

A black and white photograph of the Florida State Capitol building. The building features a prominent central dome and a portico with six columns. American flags are visible on the roof and hanging from the building. The foreground shows a set of steps leading to the entrance, flanked by palm trees and flower beds. The sky is clear with some light clouds.

Florida House of Representatives

2005-2006
Interim Projects

Speaker Allan G. Bense

Table of Contents

Commerce Council.....	1
Direct Shipping of Wine	1
Slot Machine Gaming Implementation	3
Legal Analysis of <u>Cuno v. DaimlerChrysler, Inc.</u>	5
A Review of the Florida Motor Vehicle No-Fault Law.....	7
Viability of creating a special fund for catastrophic losses incurred by the utility and the communication industries.....	10
Education Council.....	12
Charter School Study	12
Class Size Report	13
Higher Education Statutes/Board of Governors	14
Education Fact Sheets	16
PreK-12 Committee Process Improvement	17
Fiscal Council	18
The Effect of the Florida Department of Transportation’s Statewide Funding Policies on Funding for Arterial Roads and Metropolitan Planning Organizations’ Priorities	18
Trust Fund Review.....	20
Funding of Department of Children and Family Services Community Budget Issue Projects.....	22
Annual Update of the Florida Tax Handbook.....	24
Develop Agency Resource Manuals	25
Water Management Districts Budget Review.....	27
Health & Families Council.....	29
Effects of changing use of terms “mental retardation and mentally retarded” to “intellectual disability and intellectually disabled”	29
Review of Florida’s Child Support Guidelines.....	30
Examination of the impact on the child welfare system of child abuse, neglect, abandonment, and maltreatment prevention programs funded by the state	32
Clarification of state policy regarding “reuniting” children with natural or biological parents/families	34
An examination of the Medicaid upper payment limit (UPL) program, hospital disproportionate share (DSH) program, and intergovernmental transfers (IGTs) in the Medicaid program	36
An examination of the location, availability and use of special needs shelters in Florida, including coordinating federal, state and local emergency services and responsibilities before, during and after a natural disaster.....	38

An Overview: Health Insurance and the Transition to Consumer-Directed Health Care	40
Patient Safety: Policy Options to Create Incentives for Change	42
Justice Council	44
Substantive Review of Court Rules and Analytical Comparison	44
Court-Suggested Issues for Legislative Consideration	46
Inflationary Adjustment of Criminal Laws	47
Review of Guardianship Statutes	48
Review of Department of Juvenile Justice Contracting for Services	49
Judicial Discretion to Select Commitment Programs	51
Uniform Claims Procedures	52
Wrongful Incarceration	53
Local Government Council	54
Rewrite of the “Local Bill Policies & Procedures Manual”	54
Rewrite of the “Local Government Formation Manual”	57
2005 Legislative Session Local Bill Statistics	59
State Administration Council	61
Domestic Security Oversight Council	61
Corrupt Driver’s License Examiners	62
Seaport Security and Access Control/Credentialing	64
Open Government Sunset Reviews	66
Personal Information Protection Act	70
Paperwork Reduction/Obsolete Reports and Programs	72
Implementation of the Statewide Voter Database	73
Restoration of Voting Rights of Convicted Felons	74
Review of Operations of Florida Elections Commission	76
Military Personnel and Veterans Benefits	77
Review of the Florida Uniformed Servicemembers Protection Act	79
State Infrastructure Council	81
Florida’s Entertainment Industry Infrastructure: Are We Growing the Indigenous Industry as well as Supporting Production?	81
Sports Economic Development in Florida	84
Florida Commission on Tourism & VISIT FLORIDA: A Review After 10 Years (1996-2006)	86
Construction and Demolition Debris	89
Manufactured Housing Regulatory Study Commission	92
Evaluation of Future Space Activities	95
Information Technology Management in Florida and Other States	97
Post Session Review of CS/CS/CS/SB 360	99
Development of Regional Impact Affordable Housing Mitigation	101

State Resources Council	103
Aerial Fire Suppression.....	103
Implementation of Agricultural Best Management Practices (BMPs)	105
Division of Forestry’s Burn Authorization Process.....	107
Chapter 370/372, F.S., Rewrite.....	109
Moored Vessels in the Path of a Storm.....	111
Public Access to Florida Beaches	113

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Commerce Council/Business Regulation Committee

PROJECT TITLE: Direct Shipping of Wine

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Janet Clark Morris and Alan Livingston

PROBLEM STATEMENT:

Direct shipping of wine by out-of-state wineries to Florida consumers is illegal and punishable as a third degree felony. Florida requires that out of state wineries use the three-tiered licensing system for distribution of wine; consequently, wine must be sold to in state wholesalers who then sell to retailers who, in turn, sell to consumers. In contrast to its treatment of out-of-state wineries, Florida allows in-state Farm Wineries to ship their product directly to consumers. A recently decided U. S. Supreme Court case has called into question the validity of Florida's prohibition against out-of-state direct shipping of wine. Basically, the Court said that the Commerce Clause of the U. S. Constitution does not allow a state to discriminate against out-of-state wineries by according preferential treatment to in-state wineries. Although the Supreme Court case dealt specifically with the direct shipping laws of Michigan and New York, it would appear to have direct application to a case pending in the Federal District Court in the Middle District of Florida wherein a similar defect in Florida's direct shipping law has been alleged. It is anticipated that Florida's direct shipping laws will need to be amended to comport with the U. S. Supreme Court's ruling and the anticipated rulings of the District Court dealing specifically with Florida's direct shipping law.

PURPOSE OF THE PROJECT:

Preparatory assessment of legal cases related to direct shipping in anticipation of amending Florida's direct shipping law in the next Regular Session.

EXPECTED FORMAT FOR OUTCOME:

The information obtained from the assessment will be conveyed to committee members during interim committee meetings through oral presentations, and a whitepaper with the latest information will be completed prior to Session.

ANTICIPATED TIMEFRAMES:

The Chair will be updated with progress reports beginning in September and on a monthly basis thereafter. The whitepaper will be completed January 13, 2006.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Commerce Council/Business Regulation Committee

PROJECT TITLE: Slot Machine Gaming Implementation

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Janet Clark Morris and Alan Livingston

PROBLEM STATEMENT:

During the 2004 general election, voters approved an amendment to the Florida Constitution that permitted two counties, Miami-Dade and Broward, to hold referenda on whether to permit slot machines in certain pari-mutuel facilities within their respective counties. County-wide referenda were held in Miami-Dade and Broward Counties on March 8, 2005. The referendum was defeated in Miami-Dade, but passed in Broward County.

Amendment 4 to the Florida Constitution which created Article X, Section 23, specifies that in the regular session following voter approval of the amendment that “the Legislature shall adopt legislation implementing this section and having an effective date no later than July 1 of the year following voter approval of this amendment.” Both the Senate and House passed their own versions of slot machine implementing legislation during the regular session, but an agreed upon version never passed both bodies.

Several legal suits have been filed to resolve the implications of the Legislature’s failure to enact implementing legislation. Additionally, both the Seminole and Miccosukee Indian Tribes are claiming that passage of Amendment 4 entitles them to Class III gaming and are seeking to engage in compact negotiations with the Governor.

PURPOSE OF THE PROJECT:

Preparatory assessment of legal proceedings related to slot machine gaming implementation and tribal compact negotiations in anticipation of readdressing gaming issues in a Special Session or the next Regular Session.

EXPECTED FORMAT FOR OUTCOME:

The information obtained from the assessment will be conveyed to committee members during interim committee meetings through oral presentations, and a whitepaper with the latest information will be completed prior to Session.

ANTICIPATED TIMEFRAMES:

The Chair will be updated with progress reports beginning in September and on a monthly basis thereafter. The whitepaper will be completed January 13, 2006.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Commerce Council/Economic Development, Trade & Banking Committee

PROJECT TITLE: Legal Analysis of Cuno v. DaimlerChrysler, Inc.

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Michael Carlson

PROBLEM STATEMENT :

In 2004 the Sixth Circuit Court of Appeals issued an opinion in the case of Cuno v. DaimlerChrysler, 386 F.3d 738 (6th Cir. 2004), striking down an Ohio investment tax credit on grounds that it discriminated against interstate commerce in violation of the Commerce Clause. The program that was overturned provided a franchise tax credit for purchases of machinery and equipment that were installed in Ohio as well as a property tax exemption.

PURPOSE OF THE PROJECT:

This project will evaluate whether the Cuno decision may have an impact on state tax incentives or other state economic development programs.

EXPECTED FORMAT FOR OUTCOME:

The project will result in a whitepaper.

ANTICIPATED TIMEFRAMES:

Committee staff will make a preliminary legal review of the Cuno case and other relevant case law as well as a review of existing Florida economic development programs by September 1.

A preliminary draft whitepaper will be completed by October 1, and the completed whitepaper will be available on October 15.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Commerce Council/Insurance Committee

PROJECT TITLE:

A review of the Florida Motor Vehicle No-Fault Law, popularly referred to as the PIP law (personal injury protection for automobile insurance), consisting of ss. 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S.

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Lori Tinney, Senior Legislative Analyst, and Katrina Callaway, Senior Attorney, would be the lead staff for the project, with oversight by Tom Cooper, Senior Staff Director, and administrative support provided by Missy Jones, Committee Administrative Assistant.

PROBLEM STATEMENT:

In s. 19, chapter 2003-411, Laws of Florida, the Legislature repealed the laws listed above, effective October 1, 2007 “unless reenacted by the Legislature during the 2006 Regular Session and such reenactment becomes law to take effect for policies issued or renewed on or after October 1, 2006.” The 2003 law did not provide specific criteria for consideration in reviewing the laws, however, a brief review of the laws indicate they were enacted in part to help citizens involved in minor traffic accidents settle small or low-cost claims without seeking redress in the court system. Requiring minimum medical coverage of licensed drivers also provides a safety net for the general public by ensuring that a driver is able to pay for some costs associated with emergency medical services in the event of a serious traffic accident.

PURPOSE OF THE PROJECT:

Florida’s No-Fault/PIP laws were enacted in the early 1970s. The policy limits of \$10,000 for personal injury protection and property damage liability coverage of \$10,000 have remained the same since 1979. The effects of inflation alone on these amounts should be reviewed to determine whether the amount is appropriate in today’s economy. Similarly, insurer costs for reimbursement of medical services provided under a PIP policy generally are not limited or tied to recognized fees paid for services such as the rate paid by Medicare, although almost all other health insurance contracts limit their reimbursement rates to service providers. A

determination of an appropriate fee schedule for medical services provided under PIP contracts may be an alternative for consideration during the review of the laws.

A review of the PIP laws also should consider whether the “no-fault” premise of the laws is applicable or relevant within the current legal environment. Similarly, a review of the laws may consider whether a stricter reliance on the tort system is a more efficient or effective method for dealing with vehicle accidents, property damage, and associated medical costs. Alternatives for sharing these costs, including attorney and other legal fees, also may be considered in a review of the PIP laws.

A review of Florida’s No-Fault/PIP laws also may consider the availability of PIP coverage to drivers throughout the state, the cost of such coverage, and a comparison of PIP coverage and full coverage for motor vehicles. One possible alternative to the current PIP laws is to consider requiring licensed drivers to carry a mandatory minimum amount of bodily injury liability insurance with the option of requiring a driver also to maintain a minimum coverage for driver medical costs.

The nature and extent of fraud in the PIP system continues to be a major concern. Significant reforms in 2003 were implemented to address some of the problems, but the issue still needs further attention. Staff will undertake a review of the most prevalent and pervasive fraudulent activities involving PIP and consider proposals to prevent or punish such occurrences, if the No-Fault law is retained.

EXPECTED FORMAT FOR OUTCOME:

It is anticipated that the interim project would result in a summary report to the Insurance Committee, Speaker’s Office and other interested parties. The review of the laws by committee staff likely would include a study of the PIP and motor vehicle laws effective in other states; description of applicable case law; tracing and summarizing major changes to Florida’s PIP laws since their enactment in 1971; meetings, questionnaires, and other information-gathering activities involving insurers, agents, and appropriate state agencies for their feedback and recommendations regarding the PIP laws; a summary of activities including reports, studies, select legislative committees, and grand jury findings relating to PIP laws, fraud, and other matters appropriate to mandatory automobile insurance coverage, including whether Florida should mandate coverage for motorcycles, as well as motor vehicles. Also, the study will include a review of other states which have repealed their No-Fault laws and the impact such repeals have had on the availability and affordability of automobile insurance.

ANTICIPATED TIMEFRAMES:

The scope of the project involves a review of 11 separate sections of law, many of which have been in effect for 34 years. It is also recommended that current laws in other states be reviewed for applicability in Florida and that representatives of major auto insurers, their agents, and appropriate state agencies also be consulted for input

during the review. Because of the broad scope of the project, sufficient time must be available to consider a wide array of information and feedback. A progress report with findings to date would be presented to the committee at the September 2005 committee meeting. It is further recommended that a preliminary draft report be submitted to the committee for its consideration at the December 2005 committee meeting. Accordingly, the final report and any recommended legislation would be presented to the committee at its January 2006 meeting for introduction during the 2006 Regular Session.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Commerce Council/Utilities & Telecommunications Committee

PROJECT TITLE:

Viability of creating a special fund for catastrophic losses incurred by the utility and the communication industries.

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Stephanie Cater

PROBLEM STATEMENT:

As a result of the four hurricanes of 2004, the electric utilities incurred damages that depleted their storm damage reserve, which is used as a self-insurance mechanism for such costs. Similarly, the communications companies incurred costs due to storm related damages to their systems. Some of these utilities are now requesting surcharges be added to customer bills to recover certain hurricane related costs.

PURPOSE OF THE PROJECT:

Review the current insurance situations of various utilities and communications companies to determine their ability to obtain insurance on their infrastructure. Research the viability of developing a fund similar to the catastrophic fund for property insurance, and the industry interest in setting up a fund, including options for paying for and disbursements from such a fund.

EXPECTED FORMAT FOR OUTCOME:

A whitepaper will be written on the viability of a fund for catastrophic losses in the utility and communications industries.

ANTICIPATED TIMEFRAMES:

There will be quarterly progress reports on the project, with the final whitepaper being published by January 13, 2006.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Education Council/Choice and Innovation Committee

PROJECT TITLE: Charter School Study

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Joanna Hassell

PROBLEM STATEMENT:

The Choice & Innovation Committee, jointly with the PreK-12 Committee, held a charter school workshop in February 2005. Charter schools, school districts, and other groups raised concerns and presented information to the committee on a wide variety of issues related to charter schools. Some of the concerns would require legislative action to change.

PURPOSE OF THE PROJECT:

This project will examine in depth some of the issues raised at the workshop with special attention to process and governance needs of charter schools. The general methodology used will focus on Florida's treatment of these issues, other states' experiences with charter schools, and other relevant research on effective charter schools, including monitoring the State Board of Education's just-announced compliance enforcement initiatives. After analyzing the information gathered, committee staff will identify any issues which would require statutory changes.

EXPECTED FORMAT FOR OUTCOME: Proposed Committee Bill

ANTICIPATED TIMEFRAMES:

Progress reports will be delivered to the Committee Chair on August 1st, September 1st, October 3rd, November 1st, and December 1st. Committee staff shall make available to the Committee Chair by January 9th, 2006, all issues requiring statutory changes in bill format.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Education Council/Choice and Innovation Committee

PROJECT TITLE: Class Size Report

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Chad Aldis and Joanna Hassell

PROBLEM STATEMENT:

In 2002, an amendment to the Florida Constitution was adopted that placed rigid class size requirements upon public schools. The state has followed an implementation schedule that so far has calculated class size at the district average; however, beginning in 2006, class size will be calculated at the school average.

PURPOSE OF THE PROJECT:

The project will examine the effects, thus far, of implementing the class size amendment, review available research and statutory requirements in an attempt to understand what the future effects will be, and review the advisability of any changes to the statutory implementation requirements.

Additionally, the project will summarize last Session's attempts to revise the class size amendment and will review other potential amendment revision options.

EXPECTED FORMAT FOR OUTCOME: The format will be a formal report and possible proposed committee bills.

ANTICIPATED TIMEFRAMES:

Progress reports will be delivered to the Committee Chair on August 1st, September 1st, October 3rd, and November 1st. A final report should be available by December 1st.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Education Council/Colleges & Universities Committee

PROJECT TITLE: Higher Education Statutes/Board of Governors

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Betty Tilton and Jennifer Hatfield

PROBLEM STATEMENT:

In the 2002 General Election, Floridians amended the State Constitution to require, effective January 7, 2003, a single state university system comprised of all public universities with a 13-member board of trustees administering each university and a 17-member statewide board of governors to govern the state university system (see Section 7 of Article IX of the State Constitution). The 2003 Legislature enacted ch. 2003-392, L.O.F., to reflect the adoption of this amendment.

During the previous interim, committee staff conducted an interim project to identify statutory changes that may be needed to implement Section 7 of Article IX of the State Constitution. Legislative staff, in conjunction with a workgroup comprised of representatives from the Department of Education, the Education Policy Unit of OPB, and state universities, identified and reviewed nearly 800 statutes.

The 2005 Legislature passed HB 1001 which clarifies the lines of authority and constitutional duties of the Board of Governors and the Legislature with regard to the State University System and declares the intent of the Legislature to reenact laws relating to the Board of Governors of the State University System, the university boards of trustees, the State Board of Education, and the postsecondary education system in accordance with the findings stated in the bill.

Of the statutes identified during the review, over 350 may need to be amended or repealed to reflect the changes to the State Constitution and the provisions of HB 1001.

PURPOSE OF THE PROJECT:

The purpose of this project is to draft the legislation necessary to carry out the intent expressed in HB 1001. A proposed committee bill will be drafted to reflect the changes to the Constitution with regard to the State University System and the provisions of HB 1001. Committee staff will use the results of the review conducted last year (updated to reflect any changes enacted during the 2005 Session), any additional comments or recommendations submitted by interested parties subsequent

to that review, and the guiding principles set forth in HB 1001, to draft the proposed committee bill. The project may include attendance at meetings of the Board of Governors, the State Board of Education, and university boards of trustees.

EXPECTED FORMAT FOR OUTCOME:

(1) A brief report that provides a summary of the process used to identify and review the statutes and a summary of the workgroup recommendations as well as any additional comments or recommendations received after the workgroup review and (2) a Proposed Committee Bill.

ANTICIPATED TIMEFRAMES:

Progress reports will be provided on a monthly basis to the Council Director and Committee Chair. A presentation on the interim project, including an initial draft of the proposed committee bill, will be available for a workshop by committee members at the January 2006 committee meeting.

**Florida House of Representatives
Proposed 2005-2006 Interim Project**

Council/Committee: Education Council and Education Committees

PROJECT TITLE: Education Fact Sheets

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

All Education Council staff, and all staff of the committees on Choice & Innovation, Colleges & Universities, Community Colleges & Workforce, and PreK-12

PROBLEM STATEMENT:

The Education Committees have published *Education Fact Sheets* for the past several years. These are very useful to the members and their constituents. Current fact sheets need to be updated before the 2006 Session. New fact sheets may need to be added to the book.

PURPOSE OF THE PROJECT:

The purpose of the project is to prepare the 2006 *Education Fact Sheets* book.

EXPECTED FORMAT FOR OUTCOME:

Council publication, 2006 *Education Fact Sheets*.

ANTICIPATED TIMEFRAMES:

Progress reports will be delivered to the Council and Committee Chairs on September 1st and November 1st. Fact sheet books are traditionally distributed at either the November or January interim committee meetings.

**Florida House of Representatives
Proposed 2005-2006 Interim Project**

Council/Committee: Education Council/ PreK-12 Committee

PROJECT TITLE: PreK-12 Committee Process Improvement

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Kathy Mizereck

PROBLEM STATEMENT:

Processes followed during the 2005 Session resulted in some successes and some failures. Members and staff need to take time to analyze what worked and what did not, in order to make process improvements for the 2006 Session.

PURPOSE OF THE PROJECT:

The purpose of the project is to gather input from committee members and staff regarding committee processes, and make recommendations for improvement based on analysis of that input.

EXPECTED FORMAT FOR OUTCOME:

The outcome of this project will be a whitepaper with specific recommendations for improvements.

ANTICIPATED TIMEFRAMES:

June 2005 - Design member and staff survey.

July 2005 - Distribute and collect surveys.

August 2005 - Preliminary analysis of survey responses for Chair's review.

September 2005 - Final analysis of survey responses; draft recommendations.

October 2005 - Final draft of whitepaper with specific process improvement recommendations.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Fiscal Council/Transportation and Economic Development Appropriations Committee

PROJECT TITLE:

The Effect of the Florida Department of Transportation's Statewide Funding Policies on Funding for Arterial Roads and Metropolitan Planning Organizations' Priorities

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

John McAuliffe

PROBLEM STATEMENT:

In recent years, there has been a fundamental shift in how the Florida Department of Transportation (FDOT) invests in Florida's transportation infrastructure. In the late 1990's, FDOT began to develop a state-wide perspective of Florida's transportation system, which has in turn gradually affected FDOT's funding policies. While funding has gradually increased for the major interstate highways and connections to major modal hubs, funding has decreased for arterial roads that local governments rely upon for intracity mobility. The effect of this trend on arterial road funding in the future is not known at this time. It is also unclear how this statewide perspective has affected Metropolitan Planning Organization's (MPOs) traditional influence on the development of the work program.

The shift toward a regional and state-wide planning perspective began in 1998, with the creation of the Freight Stakeholders Task Force, which developed a statewide intermodal systems plan for freight movement in Florida, and culminated with the creation of the Strategic Intermodal System (SIS) in 2003. The SIS was developed to concentrate funding on the transportation infrastructure that moves the most commercial and intercity traffic, and on other transportation projects that would have the greatest impact on the economy.

In the current work program, FDOT is spending 62% of new capacity funding on the SIS, and approximately 30% on other arterial roads. By 2015, FDOT expects to increase, from 62% to 75%, the new capacity spending on the SIS. This change in capacity spending may adversely affect the funding for arterial roads. Some programs, such as the County Incentive Grant Program and the Transportation Regional Incentive Program, may address the funding gap for arterials; however, the extent of the impact of these programs is unclear.

Florida statutes require FDOT and the Metropolitan Planning Organizations to cooperatively develop the district work program. Therefore, in developing the district work program FDOT must include, to the maximum extent feasible, the priorities of the MPOs. However, given this requirement, it is still unclear how FDOT's state-wide funding perspective has affected funding for MPO priorities.

PURPOSE OF THE PROJECT:

The purpose of the project is to determine:

- How the department's state-wide perspective and concentration of new capacity funding on the SIS has affected arterial road funding;
- If other programs, such as the County Incentive Grant Program and the Transportation Regional Incentive Program, can adequately supplement the loss of new capacity funds; and
- How the department's state-wide perspective has affected funding for MPO priorities, and the work program development process.

Staff will interview, survey and collect data from MPO staff. The staff will coordinate the project with the MPO Advisory Council. In addition, staff will interview key FDOT staff to collect relevant data for analysis.

EXPECTED FORMAT FOR OUTCOME: Formal report.

ANTICIPATED TIMEFRAMES:

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report to Staff Director/Committee Chair.July 8, 2005
- Midterm progress report to the Speaker's OfficeSept. 9, 2005
- Final draft to Staff Director/Committee Chair.....Dec. 6, 2005
- Final ReportJan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Fiscal Council

PROJECT TITLE: Trust Fund Review

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Lynne Overton and staff of the Justice, State Administration, Agriculture and Environment, and Transportation and Economic Development Appropriations committees

PROBLEM STATEMENT:

Article III, Section 19(f) of the Florida Constitution provides that a trust fund will terminate four years after its creation if not re-created by the Legislature (some trust funds are exempt from termination). Consequently, the Legislature reviews each nonexempt trust fund once every four years to determine whether the trust fund should be exempted, modified, terminated, or re-created.

The Legislative Budget Request Instructions set forth a schedule for review of trust funds so that all trust funds are reviewed in a timely manner. The trust funds of the following entities are scheduled for review for the 2006 Regular Session:

Department of Corrections
Department of Law Enforcement
Justice Administrative Commission
State Courts System (Judicial Branch)
Department of Management Services
Department of Business and Professional Regulation
Department of Agriculture and Consumer Services
Department of Citrus
Department of Lottery
Public Service Commission
Executive Office of the Governor

PURPOSE OF THE PROJECT:

Staff will compile information about each trust fund including agency recommendations, authority, uses, balances, history, and purpose.

EXPECTED FORMAT FOR OUTCOME:

Information compiled about each trust fund will be analyzed and summarized in a spreadsheet format. The data will be provided to the members of the appropriate Fiscal Council Committee in order to assist the members in determining whether a trust fund should be exempted, modified, terminated, or re-created.

Each trust fund will be evaluated by the members at a Fiscal Council Committee meeting. Staff will then draft a Proposed Committee Bill for each trust fund reviewed reflecting the Committee's determination of whether the trust fund should be exempted, modified, terminated, or re-created.

ANTICIPATED TIMEFRAMES:

Information compiled about the trust funds will be ready for presentation by the January Interim Committee Meetings.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Fiscal Council/Health Care Appropriations

PROJECT TITLE: Funding of Department of Children and Family Services
Community Budget Issue Projects

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Stephanie Massengale and Lynn Ekholm

PROBLEM STATEMENT:

In the current General Appropriations Act (GAA) in the health and human services area, geographically-targeted community budget issue projects are funded in addition to the general funds provided on a statewide basis to address similar problems. Specifically-named projects that relate to mental health, substance abuse, and child welfare in the Department of Children and Family Services' budget are incremental increases to funds that are provided in total and allocated by the department to each respective district based on a distribution of funds calculated on an equity formula. If project-specific funding is provided within a district that has received its full allocation based on an equity formula, a project funded within that district increases the total in the district and can allow the district to receive an amount above its equity allocation. Alternatively, in a district that is still below other districts in an equity allocation model, funding for a geographically-targeted project can increase the funds to that district and improve its situation relative to equity.

Additionally, there are projects contained within the agency budgets that are funded with recurring dollars. These projects named in the GAA in previous years are continued in the base budget of the departments, but are not named in the current proviso language of the bill. Because proviso language is valid for one year, the department may reduce or eliminate funding for unnamed projects.

PURPOSE OF THE PROJECT:

The project is intended to research and examine the implications of community budget issue projects being funded in addition to a district funding formula based on equity (or need or historical level of funding within the district) as part of the funding within the total allocated to the district, as calculated through an equity formula. The issue of projects as recurring items in the base will also be examined.

EXPECTED FORMAT FOR OUTCOME:

This project would result in a whitepaper that outlines the current situation and alternative options, which might be explored for the inclusion of community budget issue projects in the budget. The paper would describe the policy options and implications of allocating member projects in addition to the base budget or as a part of the equity-based funding allocation by district or geographic area of the state. Discussion would be included about the projects included in the base with recurring funds and alternative approaches to handling these projects in the budget.

ANTICIPATED TIMEFRAMES:

A progress report will be provided to the Health Care Appropriations Chair, no later than August 19, 2005, a midterm progress report to the Speaker's Office no later than September 9, 2005, and a completed report no later than October 14, 2005.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Fiscal Council/Finance and Tax Committee

PROJECT TITLE: Annual Update of the Florida Tax Handbook

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Jose Diez-Arguelles

PROBLEM STATEMENT:

The Florida Tax Handbook is a reference tool that provides general information regarding state and local revenue sources. For it to be useful, it needs to be updated annually. The publication is a joint effort of the staffs of the Senate Committee on Government Efficiency Appropriations, the Office of Economic and Demographic Research, the Department of Revenue's Office of Tax Research, and the House Finance and Tax Committee.

PURPOSE OF THE PROJECT:

The descriptions of each revenue source will be updated to reflect Florida law changes, other states' law changes and current revenue estimates. Other portions of the publication will be updated to reflect current conditions.

EXPECTED FORMAT FOR OUTCOME: Bound Handbook

ANTICIPATED TIMEFRAMES:

This is a joint project with other executive and legislative staff. It is usually completed prior to the beginning of Session. The update cannot be completed until after the Consensus Revenue Estimating Conferences are held in late Fall.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approvalMay 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Fiscal Council

PROJECT TITLE: Develop Agency Resource Manuals

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

All analysts and staff directors

PROBLEM STATEMENT:

There are a number of analysts on various committees in the Fiscal Council that are new to the subject area of their committee's jurisdiction. In addition, many have been primarily "numbers people" throughout their careers and could benefit from a better understanding of the underlying policies that drive appropriations decisions in their areas of responsibility.

Since the appropriations committees are often required to locate various information to respond to ad hoc requests from members and the public, a set of resource materials for each agency would be helpful in facilitating quick access to basic information.

PURPOSE OF THE PROJECT:

The purpose of the project will be to develop resource materials for each agency. This will provide an opportunity to educate analysts about their agencies and the state policies that drive appropriations decisions. The project will also result in a set of reference materials that can be used by members and staff.

Specifically, each analyst will review the statutes that govern their assigned agencies and produce a summary to use for quick reference in the future. This will require the analyst to read the relevant statutes and develop some general understanding of them in order to produce the summary. This will also provide a reference document if a member or staff person needs to know the statutes relevant to a particular program within an agency.

Other information to be gathered will include basic statistics associated with each major agency business process (e.g., # of prisoners, # of cases, etc.), agency organizational charts, federal requirements associated with agency activities, major funding sources and associated limitations, recent audits, proviso requirements, etc.

It should be noted that most of this information is already gathered on a routine basis by analysts. This project simply proposes to take a more systematic and organized

approach to these efforts to ensure that certain basic information is covered and stored in a manner that makes for easy location and retrieval in the future.

EXPECTED FORMAT FOR OUTCOME:

Staff recommends electronic storage of the information on a shared drive using consistent naming conventions to allow for easy access and updating. Each committee could collect additional information and would be allowed flexibility to tailor the format to meet their needs as long as certain baseline information is maintained.

In addition, a published report containing the information would be maintained by staff and would be available to members and other committee staff upon request.

ANTICIPATED TIMEFRAMES:

The recommended template, including the minimum data sets to be included, needs to be completed as soon as possible to allow our analysts to get started. The target completion date for this activity is July 15, 2005, or sooner. Work to fill in the data will be an ongoing project, starting as soon as a template is agreed upon.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

**Council/Committee: Fiscal Council/Agriculture and Environment
Appropriations Committee**

PROJECT TITLE: Water Management Districts Budget Review

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Lynn Dixon

PROBLEM STATEMENT:

Article VII, Section 9(b) of the Florida Constitution provides that ad valorem taxes may be levied for water management purposes in an amount no greater than .05 mill for the northwest portion of the state, and no greater than 1.0 mill for the remainder of the state.

The Legislature has created five water management districts. The Legislature has declared that the millage authorized for water management purposes by the state constitution shall only be levied by the five water management districts. The districts may levy ad valorem taxes on property within the district solely for the purposes of water management, as set forth by the Legislature. The Legislature has presently authorized a millage rate for most districts that is less than the maximum allowed by the state constitution. The maximum total millage rate for each district shall be:

1. Northwest Florida Water Management District: 0.05 mill.
2. Suwannee River Water Management District: 0.75 mill.
3. St. Johns River Water Management District: 0.6 mill.
4. Southwest Florida Water Management District: 1.0 mill.
5. South Florida Water Management District: 0.80 mill.

There was much discussion this past Session regarding the need to review this millage rate each year. The Agriculture and Environment Appropriations Committee introduced a proposed committee bill (HB 1819) to address this annual review. The legislation died on the calendar.

Section 373.536, Florida Statutes, provides that the House and Senate appropriations chairs may transmit to each water management district comments and objections to the proposed budgets, by September 5. Each district governing board shall include a response to such comments and objections in the record of the governing board meeting where final adoption of the budget takes place, and the record of this meeting shall be transmitted to the Executive Office of the Governor, the Department, and the chairs of the House and Senate appropriations committees.

PURPOSE OF THE PROJECT:

The purpose of the project is to continue to develop a process of formally engaging the water management districts in a budget review process with the Legislature.

EXPECTED FORMAT FOR OUTCOME:

The format will be a letter to water management districts with comments and/or objections based on reviews of proposed budgets, pursuant to current statutory authority. There will be proposed legislation for 2006 to expand the legislative role in the budget review process.

ANTICIPATED TIMEFRAMES:

Review of current statutes by June 15.

Review format each district uses for presenting its budget to the boards and the Governor by July 31.

Determine format for presentations to committee by August 15.

Comments to water management districts by September 5.

Hold committee hearings during September, October and November to determine appropriate long-term review process.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Health & Families Council/Elder & Long-Term Care Committee

PROJECT TITLE:

Effects of changing use of terms “mental retardation and mentally retarded” to “intellectual disability and intellectually disabled”

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Terry Walsh

PROBLEM STATEMENT:

Prior to the 2005 session, the Office of the Governor requested that the term "mental retardation" (or its variants) be replaced by the term "intellectual disabilities" throughout Florida Statutes. This is in keeping with the name change made by the President's Committee for People with Intellectual Disabilities (formerly the President's Committee on Mental Retardation) on April 25, 2003.

PURPOSE OF THE PROJECT:

There are 45 sections or parts of various chapters of Florida Statutes which contain the term, including civil and criminal laws, notably those dealing with imposition of the death penalty. It is suggested that an interim project be conducted to examine the effect of the suggested change on each affected statute for review by the Legislature.

EXPECTED FORMAT FOR OUTCOME:

The Committee anticipates that the format for this project will be a formal written report.

ANTICIPATED TIMEFRAMES:

Committee Chair Gibson will be briefed on or before August 1, 2005. A midterm progress report will be provided to the members of the Elder & Long-Term Care Committee in September 2005, and a formal report will be completed by December 30, 2005.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Health & Families Council/Future of Florida's Families Committee

PROJECT TITLE:

Review of Florida's Child Support Guidelines

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Carol Preston

PROBLEM STATEMENT:

States are required by federal law to review their child support guidelines at least once every four years in order to ensure that their application results in child support award amounts that are fair and appropriate. As a part of that review process, states must analyze case data related to the application of, and deviations from, the guidelines. States must also consider economic data related to the cost of raising children. Staff of the Florida House of Representatives has traditionally taken the lead in completing the reviews to meet the federal mandate. The 1993 and 1997 reviews were conducted by staff on the Committee on Judiciary. The 2001 review was done by staff on the Committee on Family Law and Children, and, if approved, this review will be overseen by staff on the Future of Florida's Families Committee. In spite of timely guideline reviews, the Florida Legislature has not adjusted the guideline schedules since 1993. Since the underlying data for the current schedule enacted in 1993 is the 1972-1973 Consumer Expenditure Survey, the schedule is considerably out of date.

PURPOSE OF THE PROJECT:

The proposed interim project will meet the federal review mandate. In preparation for the project, the Florida Legislature entered into a \$175,000 contract in March 2003 with the FSU Department of Economics to update the existing schedule amounts and examine related issues, including visitation arrangements, problems arising when there are prior and subsequent children, and problems experienced by low income families.

The interim project should include the following components:

- One or more "roundtable" type workshops with all stakeholders (e.g., Family Law Section of the Florida Bar, the Academy of Matrimonial Lawyers, Department of Revenue, Commission on Marriage and Family Support Initiatives, Florida Legal Services, and custodial and noncustodial parents);

- Consultation with researchers at FSU;
- Review of child support guidelines literature;
- Review of child support guidelines models;
- Review of guidelines currently in use in all other states as well as guideline review reports recently issued by other states;
- Case law review; and
- Public input.

EXPECTED FORMAT FOR OUTCOME:

The review will result in a formal written report and proposed legislation for the 2006 Legislative Session.

ANTICIPATED TIMEFRAMES:

A progress report will be presented to Chair Galvano and the members of the Future of Florida's Families Committee in September 2005. The formal report will be completed by December 31, 2005, and proposed legislation (with the request for introduction of a Proposed Committee Bill) will be submitted for approval to the Speaker's Office by February 1, 2006.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Health & Families Council/Future of Florida's Families Committee

PROJECT TITLE:

Examination of the impact on the child welfare system of child abuse, neglect, abandonment, and maltreatment prevention programs funded by the state

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Michael Davis
Lucretia Shaw Collins

PROBLEM STATEMENT:

The Florida Legislature created Healthy Families Florida (HFF) in July 1998, in response to the increasing number of child deaths due to child maltreatment and the increasing rates of maltreatment. Healthy Families Florida is a nationally credentialed community-based, voluntary home visiting program, designed to enable families to raise healthy, safe and nurtured children. It was intended to prevent child maltreatment, promote parenting skills and help parents set and achieve goals for themselves and their children.

Healthy Families Florida is one of the largest home visiting programs of its type in the nation. The program served 22,708 families from January 1, 1999 through December 31, 2003, and is funded by appropriations from the Florida Legislature. In addition, local projects are required by the Ounce of Prevention Fund of Florida to provide a 25 percent cash or in-kind contribution as evidence of the communities' support of Healthy Families.

In 1998, the Legislature appropriated \$10 million to establish the state and local operating infrastructures, and to fund 24 community-based programs to begin operations in targeted areas within 26 counties. In FY 1999-2000, the Legislature more than doubled the base funding to \$22.2 million, which funded 36 projects serving 43 counties. In FY 2003-2004, the base funding was increased to \$28.2 million to expand two projects and create one new project serving four new counties for a total of 38 projects serving parts or all of 53 of Florida's 67 counties. By FY 2003-2004, communities were contributing \$9.7 million per year in local in-kind or cash contributions. The 2005-06 General Appropriations Act includes \$28.4 million for the HFF program. Still, less than 5% of the Department of Children & Families' budget is spent on prevention measures.

An evaluation of the program was released in February 2005, indicating that Healthy Families Florida participants had 20 percent less child maltreatment than all families in their target service areas, showing that children in families who completed or had long-term, intensive HFF intervention experienced significantly less child maltreatment than did comparison groups with little or no service. [The families served by HFF are primarily low-income, mostly single parents with less than a high school education, living in inadequate housing. Many have late or inadequate prenatal care, are socially isolated, have themselves experienced abuse and neglect in childhood or have been exposed to or engaged in behaviors that may place their baby at risk---these include drugs and alcohol in the home, domestic violence, and maternal depression.]

Healthy Families Florida is one example of a program which has had a positive impact on preventing child maltreatment for the population it serves. There are hundreds of prevention programs statewide funded with local, state, and/or federal dollars; however, it is unknown how effective many of these programs are in reducing incidence of abuse, neglect, abandonment, maltreatment, and death of children.

PURPOSE OF THE PROJECT:

The proposed interim project will examine many of the current prevention programs that are operating throughout the state with the intent of outlining the prevention methods being used, the populations being served, and the outcomes and effectiveness of these programs.

This review will identify various prevention models that can be duplicated in many communities throughout the state which will assist in determining the prevention and funding needs of communities.

EXPECTED FORMAT FOR OUTCOME:

This review will result in a formal report being presented to Chair Galvano and members of the Future of Florida's Families Committee.

ANTICIPATED TIMEFRAMES:

An oral progress report will be presented to Chair Galvano and the members of the Future of Florida's Families Committee in September 2005, and the formal report will be completed by January 2006.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Health & Families Council/Future of Florida's Families Committee

PROJECT TITLE:

Clarification of state policy regarding "reuniting" children with natural or biological parents/families.

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Michael Davis

PROBLEM STATEMENT:

In Florida, the "health and safety of the child shall be the paramount goal of social services and other supportive and rehabilitative services." [Section 39.001(1)(b)1., F.S.] The Department of Children and Family Services (department or DCF) maintains that one of their main purposes is "to preserve and strengthen the child's family ties whenever possible, removing the child from parental custody only when his or her welfare cannot be adequately safeguarded without such removal." Additionally, the department, in establishing a Family Builders Program pursuant to s. 39.311(1), F.S., shall provide family preservation services "to reunite families whose children have been removed and placed in foster care..."

The federal Adoptions and Safe Families Act (ASFA), 42 U.S.C. ss. 620-679, was signed into law on November 19, 1997, providing states with the responsibility to make reasonable efforts to preserve and reunify families. In making decisions about the removal of a child from, and the child's return to, his or her home, the child's health and safety shall be the primary consideration. The reasonable efforts requirement does not apply in cases in which a court has found that:

- The parent has subjected the child to "aggravated circumstances" as defined in state law (including but not limited to abandonment, torture, chronic abuse, and sexual abuse);
- The parent has committed murder or voluntary manslaughter or aided or abetted, attempted, conspired or solicited to commit such a murder or manslaughter of another child of the parent;
- The parent has committed a felony assault that results in serious bodily injury to the child or another one of their children; or
- The parental rights of the parent to a sibling have been involuntarily terminated.

In these cases, states would NOT be required to make reasonable efforts to preserve or reunify the family but are required to hold a permanency hearing within 30 days and to make reasonable efforts to place the child for adoption, with a legal guardian, or in another permanent placement.

According to chapter 2000-139, Laws of Florida, in cases where the issue before the court is whether a child should be reunited with a parent, the court shall determine whether the parent has substantially complied with the terms of the case plan to the extent that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by the return of the child to the home. This has brought confusion among practitioners as to how much weight should be given to reunification as a factor in the placement of a child when compared to federal law.

PURPOSE OF THE PROJECT:

The purpose of this project is to review Florida's placement efforts to help clarify the reunification standard that is to be used when placing a child. Additionally, staff will review the foster care system and how it impacts on the agency's ability to reunite or not reunite a family. This project will compare current practice with federal guidelines to help assure that Florida is in compliance with federal law, while also assuring that the standard that is used is in the best interest of the child.

EXPECTED FORMAT FOR OUTCOME:

Staff will prepare a whitepaper to submit to Chair Galvano and members of the Future of Florida's Families Committee.

ANTICIPATED TIMEFRAMES:

After a review of the relevant federal statutes and regulations, a comparison of these to Florida laws, rules, and the "practice" of the department, and meetings with stakeholders to evaluate the reunification policy of the state, a progress report can be presented to the committee in October 2005, with the final report completed by December 31, 2005.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Health & Families Council/Health Care General Committee

PROJECT TITLE:

An examination of the Medicaid upper payment limit (UPL) program, hospital disproportionate share (DSH) program, and intergovernmental transfers (IGTs) in the Medicaid program

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Bob Brown-Barrios

PROBLEM STATEMENT:

One of the most esoteric funding mechanisms in the Medicaid program is the state's use of the upper payment limit (UPL) program, hospital disproportionate share (DSH) program, and the principal way the state uses intergovernmental transfers (IGTs), which involves the transfer of funds from local governments to the state or fund transfers between different state agencies. These fund transfers are used as the state share for Medicaid DSH and UPL payments to obtain federal matching dollars. There is concern that future federal policy will limit or eliminate the use of these funding mechanisms in an effort to hold down spending and reform the Medicaid program. The federal matching dollars secured through these funding mechanisms are so important to the state that the Legislature granted authority to the Agency for Health Care Administration to pursue a waiver to reform Medicaid contingent upon federal approval to preserve the upper payment limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program.

PURPOSE OF THE PROJECT:

The purpose of this interim project is to provide members with a basic understanding of how the UPL program, the DSH program, and IGTs operate, the role these funding mechanisms play in subsidizing uncompensated or charity care, the issues surrounding the use of these funding mechanisms and evolving federal perspective and policy in this area.

EXPECTED FORMAT FOR OUTCOME:

The expected format for outcomes for this project will be a written report and a presentation to Chair Harrell and the members of the Health Care General Committee.

ANTICIPATED TIMEFRAMES:

An oral progress report will be presented to the Chair and the members of the Committee in October 2005 and the formal report will be completed by January 2006.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Health & Families Council/Health Care General Committee

PROJECT TITLE:

An examination of the location, availability and use of special needs shelters in Florida, including coordinating federal, state and local emergency services and responsibilities before, during and after a natural disaster.

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Lucy Schiefelbein

PROBLEM STATEMENT:

Florida's geographic location and unique environment makes this state vulnerable to a variety of natural disasters. The frequency and increased severity of hurricanes over the last five years has tested Florida's recovery response activities. Most recently the challenges of four hurricanes that struck Florida within weeks of each other during the 2004 hurricane season provided improved recovery efforts in many areas; these same challenges provided several opportunities to identify future improvements. Specifically, special needs shelter operations can be improved and back up health services can be enhanced. In addition, the Legislature can recommend policies and procedures to address the care of citizens with special needs that providers offer in alternative sites during the storm and in the recovery phase.

Florida's regulatory guidelines regarding disaster response is outlined in several documents. Chapter 252, Florida Statutes (State Emergency Management Act) mandates the development of the Florida Comprehensive Emergency Management Plan (The Plan). This Plan establishes the framework to ensure that Florida is prepared to deal with the aftermath of any one of several hazards that threaten our communities, businesses and the environment. The Plan attempts to coordinate response and recovery activities with various organizations and also attempts to unify efforts to ensure a comprehensive approach to reducing the effects of an emergency or disaster.

PURPOSE OF THE PROJECT:

The purpose of this interim project is to provide members with a basic understanding of how special needs shelters currently operate the registration of Florida's special needs constituency and an assessment as to whether their needs are being served by

these shelters. The federal, state and local entities' responsibilities will be examined to ensure continuity of service and the appropriateness of care.

The interim project should include the following components:

- At least two workshops with stakeholders, (e.g., Department of Elder Affairs, Agency for Health Care Administration, Department of Health, Division of Emergency Management Services, AARP, Agency for Persons with Disabilities, local emergency service organizations, etc.)
- Review of facility regulations
- Review of emergency shelter working models
- Interviews with constituents served during last hurricane season

EXPECTED FORMAT FOR OUTCOME:

The expected format for outcomes for this project will be a written report, a presentation to the Chair Harrell and the members of the Health Care General Committee and proposed legislation for the 2006 Legislative Session.

ANTICIPATED TIMEFRAMES:

An oral progress report will be presented to the Chair and the members of the Committee in October 2005, and the formal report will be completed by January 2006.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Health & Families Council/Health Care Regulation Committee

PROJECT TITLE:

An Overview: Health Insurance and the Transition to Consumer-Directed Health Care

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Leah Hamrick

PROBLEM STATEMENT:

From a policy perspective, health care insurance is a very complex and confusing industry. The health insurance industry has a large number of payment mechanisms and acronyms. An overview of these mechanisms, including cost control mechanisms and past trends is important for understanding policy issues related to funding and regulation of health care.

In an attempt to control costs in an industry that is consuming over 14.9% of the GDP, innovative approaches have included managed care focusing on utilization review, disease management and consumer-directed health care.

Currently, policy makers are shifting their focus from managed care organizations to consumer-directed health plans that include health savings accounts and health retirement accounts. The benefits of consumer-directed plans include decreased expenditures, increased options and quality of care for consumers.

As consumer-directed health plans evolve, individuals and employers are beginning to transition from managed care's health maintenance organizations (HMO's) and preferred provider organizations (PPO's) to health savings accounts or health retirement accounts. Currently, medium sized employers (50-500 employees) are switching from HMO's to consumer-directed health plans to save health care costs.

The general premise of a consumer-directed plan is that individuals are spending their own money, so they will spend their money wisely. Consumers will shop around for what they want: convenience, efficiency, comfort, quality, and the lowest cost.

PURPOSE OF THE PROJECT:

A content analysis of current literature will be used to gather current data and information on consumer-directed health plans and health insurance. The project will focus on the following objectives:

1. Provide background information on the health insurance industry, including: how the distribution of risk is used to set rates within the health insurance industry, the different reimbursement schemes for hospitals and physicians, and the different types of health insurance.
2. Provide an introduction to managed care, including a description of the different types of managed care organizations and physician relationships with managed care organizations.
3. Provide an introduction to consumer-directed health plans, including: a literature search and summary of current trends and types of accounts, the advantages and disadvantages of consumer-directed health plans, and possible legislative opportunities to encourage use of consumer-directed health plans to increase access to health insurance and choice.

EXPECTED FORMAT FOR OUTCOME:

The final version of this project will be presented as a whitepaper to Chair Garcia and the members of the Health Care Regulation Committee.

ANTICIPATED TIMEFRAMES:

An engagement letter will be mailed upon approval. A rough draft will be prepared by the end of August. Chair Garcia will be briefed on or before August 1, 2005. A progress report will be presented to the Chair and members of the Health Care Regulation Committee in October 2005. The final report will be completed by December 2, 2005.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Health & Families Council/Health Care Regulation Committee

PROJECT TITLE:

Patient Safety: Policy Options to Create Incentives for Change

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Amber Bell

PROBLEM STATEMENT :

In 1999, the Institute of Medicine (IOM) published *To Err is Human*. The report launched patient safety into the public forum by reporting that 44,000-98,000 patients die yearly as a result of medical errors. The report also concluded that the cost of medical errors is between \$38 billion and \$50 billion annually. Federal and state governments responded to the report by initiating new patient safety policies and procedures. Unfortunately the trend continues; recently the IOM reported that as many as 98,000 U.S. residents continue to die annually as a result of medical errors.

Florida is one of the nation's leaders in patient safety reforms. In 2003, the Legislature passed medical malpractice reform that also created the Florida Patient Safety Corporation (FPSC). More recently, the Florida voters approved Constitutional Amendment 8, relating to reporting of repeated medical malpractice, to be implemented pursuant to Chapter 2005-266, Laws of Florida. However, patient safety is a complex issue that plays a role in the complex health care system. It affects the increasing cost of health care, health care insurance, medical malpractice lawsuits, and the state's role in regulation of health care professionals and facilities.

PURPOSE OF THE PROJECT:

The objectives of the project are to prepare a paper that provides background information on the current status of patient safety in Florida, an update on initiatives of the Florida Patient Safety Corporation (FPSC), and any innovative opportunities the Legislature may have to further increase patient safety. The project will involve doing a literature review of patient safety journals and think-tank reports. Additionally, it will involve interviewing patient safety stake-holders, the Department of Health, and the Agency for Health Care Administration.

EXPECTED FORMAT FOR OUTCOME:

The final version of this project will be presented as a whitepaper to Chair Garcia and the members of the Health Care Regulation Committee.

ANTICIPATED TIMEFRAMES:

An engagement letter will be mailed upon approval. A rough draft will be prepared by the end of August. Chair Garcia will be briefed on or before August 1, 2005. A progress report will be presented to the Chair and members of the Health Care Regulation Committee in October 2005. The final report will be completed by December 2, 2005.

Florida House of Representatives
Proposed 2005-2006 Interim Projects

Council/Committees: Justice Council/Criminal Justice, Judiciary, Civil Justice, and Juvenile Justice Committees

This project will generate a council product produced through the effort and cooperation of council and committee staff with the approval of the Council and Committee Chairs.

PROJECT TITLE: Substantive Review of Court Rules and Analytical Comparison

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

David De La Paz
Trina Kramer
Tom Thomas
Michael Billmeier
Tina White

PROBLEM STATEMENT:

For the past two Legislative Sessions, legislation has been filed in both chambers in an attempt to protect public policy decisions of the Legislature, reflected through statute, from being inappropriately altered by the court rulemaking process. The alteration of substantive rights through court rules of procedure violates the separation of powers provision of the Florida Constitution, and undermines the people's right to have matters of public policy determined by their representatives in the elected branch of government. Since the year 2000 alone, court rule authority has impacted the ability of the Legislature to set public policy on such major issues as death penalty postconviction claims, DNA testing, exempting mentally retarded persons from a death sentence for a capital crime, and providing lawyers to foster children to oppose certain actions of their guardians ad litem. Currently, the Florida Supreme Court is considering numerous proposed rule changes, including whether or not to authorize the expansion of the present right to counsel for juveniles charged with violating criminal laws beyond that held to be constitutionally required, and whether or not, the Legislature or the Court has the authority to provide criteria for deciding who can and cannot be held without bail upon arrest for a dangerous felony.

PURPOSE OF THE PROJECT:

The purpose of the project is to conduct a comprehensive review of the exercise of court rule authority in the alteration of substantive rights. The project will involve a review of court rules of procedure and identify those rules that expand, reduce or modify substantive rights provided in statute or case law. It will also contain an

analytical comparison of Florida's court rulemaking process to the federal court rulemaking process. This comparison would include a description of how the membership of rules committees are determined, the means for allowing public input, and an analysis of the constitutionally provided means for the legislative and judicial branches of government to ensure that procedural rules not enlarge, abridge or modify substantive rights.

Methodology: The review of court rules will identify and catalog all court rules which reduce, enlarge, or modify a substantive right by using a set of guidelines established by staff. The guidelines must ensure that the rules are uniformly analyzed for substantive differences from existing statutory law, case law, or minimum state and federal constitutional requirements. The guidelines will consist of an analytical framework to identify rules with substantive changes by asking key questions. Rules creating substantive rights or rules providing substantive differences will be identified with substantive components explained on a uniform form or table to be developed by staff. The comparison of the Florida's rulemaking process to the federal rulemaking process will consist of a side-by-side table with narrative explanation as needed to explain the differences.

EXPECTED FORMAT FOR OUTCOME: Council Publication

ANTICIPATED TIMEFRAMES:

Analytical Framework and Rule Review Form finalized - July 1, 2005
Comparison of Florida and Federal Rulemaking Process – August 1, 2005
Rule Review completed and entered on Rule Review Forms - September 30, 2005
Council Publication – November 4, 2005

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Justice Council/Judiciary Committee

PROJECT TITLE: Court-Suggested Issues for Legislative Consideration

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Stephen Hogge

PROBLEM STATEMENT:

Florida state appellate courts, in the course of adjudicating cases, have on occasion highlighted substantive issues they believe the Legislature should address in some fashion. A brief search of cases by staff revealed numerous examples of issues the courts believed the Legislature either should or ought to address. For example, in the case of J. Sourini Painting, Inc. v. Johnson Paints, Inc., involving the award of attorney's fees in a construction lien case, the 2nd District Court of Appeal of Florida was of the opinion that the Legislature "ought to consider methods to cap the award of (attorney's) fees at some realistic level." The court noted that "more and more, we are seeing cases that are driven not by the amount in controversy, but by the amount of the fees that may be awarded...."

PURPOSE OF THE PROJECT:

To make House members aware of substantive issues raised by the courts in the context of adjudicated cases so the Legislature is in a position to respond if it so chooses.

Methodology: Staff will review appellate cases within the past 5 to 7 years, depending on volume; describe the issue the court believes the Legislature should or ought to address; and identify whether or not the Legislature has addressed the issue.

EXPECTED FORMAT FOR OUTCOME: Spreadsheet with summary narrative.

ANTICIPATED TIMEFRAME: Completion by September 15, 2005

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Justice Council/Criminal Justice Committee

PROJECT TITLE: Inflationary Adjustment of Criminal Laws

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Nathan Bond

PROBLEM STATEMENT:

Numerous dollar figures are referenced in the criminal laws of the state. In addition to the general fine levels set by s. 775.083, F.S., numerous criminal laws have fines (either absolute or within a range) specific to that statute. At one time, every criminal law had its own fine and imprisonment levels. In 1971, the criminal laws were standardized by enactment of standard maximum terms of imprisonment and fines. The general fine levels set in 1971 have not been updated since. For example, the \$500 maximum fine for a second degree misdemeanor would be \$2,369.14 if the fine had been automatically indexed for inflation over the years. By the same token, there are also dollar values that establish the seriousness of an offense. The most commonly referenced is the \$300 threshold between petit theft (a misdemeanor) and grand theft (a felony), which was last adjusted for inflation in 1986. Today, that threshold would be \$525.27. Numerous other criminal laws rely on that \$300 threshold. The combined impact of these adjustments may result in a significant positive recurring fiscal impact on the state. Fines accrue to the benefit of the state, increased maximums may result in increased collections. Increasing the threshold between misdemeanor and felony theft crimes is likely to result in fewer of these non-violent offenders from being convicted of a felony and then placed in state prison or under state felony probation supervision.

PURPOSE OF THE PROJECT:

The purpose of the project is to examine the criminal laws and determine where it is appropriate to adjust dollar values for inflationary adjustment. The process may also identify statutes with drafting errors related to the dollar value, which errors may be corrected in the process.

The research method will involve identification of the applicable statutes for inclusion in the project, determination of the year of enactment of such statutes, and the inflationary adjustment of the sum to the current value. The research will also identify similar sections for grouping, so that the adjustment will be uniform across similar statutes; and will identify poorly drafted statutes for correction.

EXPECTED FORMAT FOR OUTCOME: A proposed committee bill

ANTICIPATED TIMEFRAMES: Completed: 09/30/2005

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Justice Council/Civil Justice Committee

PROJECT TITLE: Review of Guardianship Statutes

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Michael Billmeier
Heather Lammers
Mark Kruse

PROBLEM STATEMENT:

During the 2005 Session, two significant bills were proposed relating to guardianship issues. In addition, the House considered issues relating to conflicts of interest between a ward and the guardian, particularly situations where a conflict of interest might arise between a guardian and the guardian's spouse/ward.

PURPOSE OF THE PROJECT:

This project will research the issues raised by the two bills (HB 457 and HB 1615). The focus of the project will be to review the guardianship statutes and the issues raised by the bills to determine whether guardianship statutes and the proposed legislation adequately protect the needs of wards. This will include a review of the current law, the 2004 report of the Guardianship Task Force, and information from other interested parties (the Real Property, Probate, and Trust Law section of the Bar was interested in the issue during 2005 session).

EXPECTED FORMAT FOR OUTCOME:

Whitepaper

ANTICIPATED TIMEFRAMES:

Review of Guardianship Task Force Report - July 22
Review of Guardianship statute, and significant cases relating to guardianship – July 22
Analysis of legislation proposed in 2005 session – August 12
Meet with interested parties as needed throughout June and July
Midterm progress report to Speaker's Office – September 9
First draft of whitepaper to Chair – October 14
Final paper – November 4

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Justice Council/Juvenile Justice Committee

PROJECT TITLE: A Review of Department of Juvenile Justice Contracting for Services

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Tina White
Shari Whittier

PROBLEM STATEMENT:

Currently, the Department of Juvenile Justice (department) has 344 contracts with private providers for the delivery of delinquency services. Annually, these contracts cost an approximate total of \$340,890,000; i.e., almost 50 percent of the department's \$687,190,000 total approved annual budget. Given the significant amount of outsourcing, it is critical that the department implement effective and efficient contracting policies and practices that encourage an abundant and competitive market of delinquency service providers and that insure public safety, adequate care and treatment for juveniles, and receipt of the best value for taxpayer dollars. During the past four years, several audits and studies, which were conducted by the Auditor General's Office and the Office of Program Policy Analysis and Governmental Accountability (OPPAGA), have found aspects of department contracting to be in need of improvement. These findings include department failures to: (a) maintain adequate documentation establishing compliance with statutory procurement requirements; (b) implement standardized program monitoring and contract management practices throughout the state; and (c) impose sanctions upon providers that do not adequately perform. Additionally, representatives from the Florida Juvenile Justice Association, an organization which represents the interests of approximately fifty juvenile justice service providers, have raised concerns that include the following: (a) the department frequently changes provider quality assurance standards, which has resulted in subjecting providers to costs never anticipated nor addressed in the contracts; and (b) the department does not have sufficient policies governing solicitation response deadlines, new provider policy development, provider audits, and contract dispute resolution.

PURPOSE OF THE PROJECT:

The purposes of this project will be to: (a) review current department contracting policies and practices and determine the department's progress in addressing the findings made by the Auditor General and OPPAGA; (b) determine the validity of concerns raised by juvenile justice providers and suggest possible solutions where warranted; and (c) make recommendations for changes to statute governing the department's contracting policies and practices where appropriate.

To complete this project, committee staff will conduct legal research, consult with staff from the Auditor General's Office and the OPPAGA who were responsible for prior department

contracting reviews, and work with representatives of the department and juvenile justice providers.

EXPECTED FORMAT FOR OUTCOME: Formal report

ANTICIPATED TIMEFRAME:

Review statutes and department policies – July 29, 2005

Midterm Report to Speaker's Office - September 9, 2005

Analyze Provider Concerns - October 31, 2005

Draft Report – November 30, 2005

Final Report – January 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Justice Council/Juvenile Justice Committee

PROJECT TITLE: Judicial Discretion to Select Commitment Programs

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Tina White
Shari Whittier

PROBLEM STATEMENT:

Currently, s. 985.231, F.S., authorizes a juvenile court judge to commit a delinquent youth to “. . . a residential commitment level as defined in s. 985.03.” In case law, Florida appellate courts have construed this provision to mean that a judge may determine the commitment level for a youth, i.e., low-risk, moderate-risk, high-risk, or maximum-risk; however, a judge may not select a particular program within the commitment level. Programs may only be selected by the Department of Juvenile Justice.

During the 2003 and 2005 Regular Sessions, the Legislature considered, but did not pass, legislation that would have granted judges the discretion to select a particular program within a commitment level for delinquent youth.

PURPOSE OF THE PROJECT:

The purposes of this project will be to: (a) summarize current statutes, rules, and procedures relating to juvenile court and Department of Juvenile Justice powers to select commitment levels and programs for committed youth; and (b) determine the benefits and/or disadvantages of granting statutory authority for juvenile court judges to select particular commitment programs. To complete this project, committee staff will conduct legal research, survey juvenile court judges, analyze data collected, and consult with representatives of the Department of Juvenile Justice.

EXPECTED FORMAT FOR OUTCOME: Formal Report

ANTICIPATED TIMEFRAMES:

Review statutes and procedures relating to program selection – July 29, 2005
Survey juvenile court judges – August 31, 2005
Midterm Progress Report to Speaker’s Office – September 9, 2005
Analyze Survey Data – September 30, 2005
Consult with DJJ – October 31, 2005
Draft report – November 30, 2005
Final Report – January 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Justice Council/Claims Committee

PROJECT TITLE: Uniform Claims Procedures

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Stephanie Birtman
Rules Council Staff

PROBLEM STATEMENT:

Currently, the House and the Senate review claim bills under separate and distinct procedures. Each house has different deadlines, different committee references, and different special masters. Several former and current Members have expressed an interest in working toward a uniform approach in the handling of claim bills which would eliminate duplication of resources, provide more consistency, and be more responsive to the members. It is also constitutionally important to provide a meaningful review process for legitimate claims to redress injuries caused by government in the absence of access to the courts.

PURPOSE OF THE PROJECT:

In conjunction with the Rules Council, develop a proposal for a uniform legislative process to review and consider claim bills, which could include a recommendation to develop a joint rule with the Senate to establish a uniform approach. Issues for specific review include:

- Expedited review of settled claims
- Application of the statutory attorney's fee limit to lobbying fees
- Assignment of a joint special master
- Review of state and local government self-insurance mechanisms
- Coordination of joint procedures and committee references

EXPECTED FORMAT FOR OUTCOME:

Whitepaper which includes an updated statistical review and analysis of the nature and success rates of the various types of claim bills.

ANTICIPATED TIMEFRAMES:

Due to the claim bill workload beginning in August, this project would need to be completed by August 30.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Justice Council/Claims Committee

PROJECT TITLE: Wrongful Incarceration

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Stephanie Birtman

PROBLEM STATEMENT:

For those people who are actually innocent of a crime for which they have been incarcerated, there are very few, if any, legal remedies available, due to the doctrines of sovereign immunity, absolute immunity, and qualified immunity. Thus there are individuals who have been incarcerated for crimes that they did not commit, with no avenue for compensation. An argument has been made that the wrongfully convicted need compensation for the problems that they encounter upon their release, which include not only financial difficulties, but also health problems and a lack of education and job training. Two bills were proposed in the 2005 legislative session, neither of which passed both chambers. The House approach created a joint rule which would allow the Legislature to determine the amount of compensation and provide other holistic benefits. The Senate approach required the Attorney General's office to settle the claim, and if unsuccessful allowed a court to determine compensation not to exceed \$5 million.

PURPOSE OF THE PROJECT:

Develop a model for compensation based on policy analysis of the following questions:

- Should sovereign immunity be waived?
- Which branch of the government is appropriate to task with compensating the wrongfully convicted?
- If a branch other than the Legislature is tasked with compensation, what guidelines should that agency use in determining appropriate compensation?
- What policy implications are associated with a takings approach?

EXPECTED FORMAT FOR OUTCOME: Whitepaper

ANTICIPATED TIMEFRAMES: Due to the claim bill workload beginning in August, this project would need to be completed by August 30.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Local Government Council

PROJECT TITLE: Rewrite of the “Local Bill Policies & Procedures Manual.”

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

All Local Government Council staff will participate in the project.

PROBLEM STATEMENT:

The House Local Government Council annually revises and publishes the “Local Bill Policies & Procedures Manual.” The manual, which is approved by the Speaker’s Office, outlines policies and procedures of the House of Representatives for drafting and filing local bills. The manual contains constitutional and statutory requirements for local bills regarding publication of notice, referenda, and prohibited subjects. The manual also discusses the provisions in the House Rules governing local bills, and provides information regarding the creation of independent special districts and the codification of special district charters.

House Rule 5.12 requires that all bills, with few exceptions, be either prepared or, in the case of local bills, reviewed by the House Bill Drafting Service. Under this rule, the responsibility for drafting local bills traditionally has fallen to the group or entity requesting passage of the bill. The House Bill Drafting Service reviews local bills for appropriate form and alerts Members to constitutional and other legal concerns identified during their review. The Local Government Council staff traditionally has not drafted local bills. Exceptions are made when a Member wishes to address an issue through local legislation that is not requested by a specific group or entity. In addition, Local Government Council staff traditionally has not reviewed draft local bills prior to filing in the House of Representatives.

Prior to the 2005 Legislative Session, the House Bill Drafting Service reviewed over 70 local bills prior to filing. As part of this review, numerous constitutional and other legal and stylistic issues were identified and discussed with Local Government Council staff. While standardized approaches were developed for some common issues, due to time constraints, issues generally were resolved on an ad hoc basis. In several instances, council staff recommended postponing resolution until after a bill was filed and referred.

Although it is the appropriate role of the council/committee process to identify and resolve legal and policy issues, unnecessarily delaying resolution until after a local bill is filed creates problems unique to the local bill process. Under current House local bill policies and procedures, prior to a local bill being considered by a House

council or committee, the local legislative delegation must hold a public hearing in the area affected by the local bill and the proposed bill must be approved by a majority of the delegation's Members. Typically, local legislative delegations hold such hearings in the fall prior to submitting local bills to the House Bill Drafting Service. In many instances, draft local bills are revised by the House Bill Drafting Service or by the Local Government Council to correct identified legal issues and drafting errors. These revisions often are substantive and thus require the local delegation to submit a local bill amendment form stating a majority of the delegation's Members support the changes. Equally important, in such instances the bill considered or passed by the Legislature is different from the bill considered at the delegation's public hearing. Perhaps of greatest importance, in some instances the changes are significant enough to require an entirely new advertised notice of intent to seek passage of the local bill.

Beginning with the 1998 Legislative Session, a significant percentage of local bills considered by the Legislature have been statutorily required codification bills. Codification is the process of compiling, updating, and systematically arranging the special acts that comprise a special district's charter. After a special district's charter is created by special act of the Legislature, the original charter provisions may be amended by subsequent special acts. However, special act amendments are not automatically incorporated into one special act charter. Therefore, in order to ascertain the current status of a special district's charter, it is necessary to locate all special acts amending a district's original charter. Codification of special district charters is important because it permits readers to easily locate and identify the current charter of a district.

Codification of special district charters was initially required by the 1997 Legislature in ss. 189.429 and 191.015, F.S., both of which were amended in 1998. The laws provide for codification of all special district charters by December 1, 2004. Any codified act relating to a special district must provide for the repeal of all prior special acts relating to the district. The 2001 Legislature amended s. 189.429, F.S., to provide that reenactment of existing law: (1) shall not be construed to grant additional authority nor supersede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness. Prior to the 2005 Legislative Session, 173 special districts had codified their charters.

Although the deadline for submission of a codified charter by all special districts was prior to the 2005 Legislative Session, all special districts have not complied with this requirement, and proposed codification bills for other special districts have not been enacted by the Legislature or have been vetoed by the Governor. As a result, additional proposed codification bills are anticipated. For those special districts for

which the Legislature has enacted a codified charter, recent and future amendments to their charters ultimately will undo the benefits gained through the codification process. Neither the Florida Statutes nor House Rules address these issues.

PURPOSE OF THE PROJECT:

Local Government Council staff will review and revise the “Local Bill Policies and Procedures Manual,” including the local bill forms for the 2006 Legislative Session. In concert with this review and in coordination with the House Bill Drafting Service, Council staff will develop a process to review proposed local bills submitted by House Members prior to submission to the House Bill Drafting Service for filing in the House of Representatives. In addition, working with the House Bill Drafting Service and the House General Counsel’s Office, Council staff will review local bills from the 2005 Legislative Session to identify constitutional and other legal issues, as well other stylistic issues, commonly presented in these bills and will formulate recommended standards to address these issues. Finally, working with the House Bill Drafting Service and the House General Counsel’s Office, Council staff will evaluate the advantages and disadvantages of the codification process and will develop recommended policies to guide future local legislation in this area.

EXPECTED FORMAT FOR OUTCOME:

The project will result in a substantially revised 2006 Legislative Session version of the “Local Bill Policies & Procedures Manual.”

ANTICIPATED TIMEFRAMES:

Progress reports to Chair	August 16, September 9
Midterm progress report to Speaker’s Office	September 9
Final draft to the Speaker’s Office for approval	September 30

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Local Government Council

PROJECT TITLE: Rewrite of the “Local Government Formation Manual.”

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

All Local Government Council staff will participate in the project.

PROBLEM STATEMENT:

The House Local Government Council annually revises and publishes the “Local Government Formation Manual.” The Manual functions as a primer on the formation and operation of counties, municipalities, and special districts. In the last year, the Council received requests for copies of the Manual from legislators, counties, cities, special districts, citizens groups, and practitioners. The current edition of the Manual has not been subjected to an in-depth review in a number of years and should be revised to ensure that the most up-to-date information is included in a more "user friendly" format.

Many of the local bills considered by the Legislature each year address the creation and powers of special districts. Some Members have expressed concerns and confusion regarding the roles special districts play in local governance. As local units of special purpose government restricted to a limited boundary, special districts possess a wide variety of powers and provide an assortment of services to citizens both in unincorporated and incorporated areas of the state. The role of special districts in local governance varies from district to district, with some special districts providing a specialized service, and others serving as infrastructure funding mechanisms or as a form of transitional governance for unincorporated areas.

PURPOSE OF THE PROJECT:

Council Staff will conduct a review of the topics addressed in the Manual including recent legal developments related to local government formation and operations. Staff will substantially rewrite the Manual in order to incorporate the most current information regarding local government formation and operation, as well as to improve the overall quality of the Manual.

During this year’s review, special attention will be focused on the chapter addressing special districts.

EXPECTED FORMAT FOR OUTCOME:

The project will result in a substantially revised 2006 Legislative Session version of the “Local Government Formation Manual.”

ANTICIPATED TIMEFRAMES:

Progress reports to Chair	August 16, September 9
Midterm progress report to Speaker’s Office	September 9
Final report to Speaker’s Office for Approval	October 1

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: Local Government Council

PROJECT TITLE: 2005 Legislative Session Local Bill Statistics

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Terri Smith will collect the appropriate statistics, perform the necessary statistical analysis, and draft the narrative summary.

PROBLEM STATEMENT:

During the 2005 Legislative Session, over seventy local bills addressing a wide variety of issues were filed in the House of Representatives. Issues addressed included codification of special district special acts, amendments to special district charters, municipal annexation and incorporation, elections, special licensing, civil service and pension issues, municipal/county charter amendments, and a variety of other issues. Some of these bills created exemptions from general law, while others raised constitutional concerns.

Beginning with the 1998 Legislative Session, a significant percentage of local bills considered by the Legislature have been statutorily required codification bills. Codification is the process of compiling, updating, and systematically arranging the special acts that comprise a special district's charter. Codification of special district charters was initially required by the 1997 Legislature in ss. 189.429 and 191.015, F.S., both of which were amended in 1998. The laws provide for codification of all special district charters by December 1, 2004. Prior to the 2005 Legislative Session, 173 special districts had codified their charters.

PURPOSE OF THE PROJECT:

After each legislative session, the House Local Government Council publishes a statistical summary of the past legislative session's local bills. The summary compares the current year's statistics to statistics from prior legislative sessions. The report serves several purposes. It provides a picture for the Council Chair and Members of the session's local legislation in comparison with that from prior sessions. Identification and analysis of exemptions from general law created by local bills assist both Members and staff in evaluating the underlying general law policy exempted by local legislation.

This year's statistical summary will place a special emphasis on codification bills to assist with the evaluation of the codification process proposed in the "Local Bill Policies and Procedures Manual" interim project.

EXPECTED FORMAT FOR OUTCOME:

The project will result in a short report presenting statistical summaries of local bills during the 2005 Legislative Session.

ANTICIPATED TIMEFRAMES:

September 9, 2005: Final report to be submitted to the Speaker's Office

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Domestic Security Committee

PROJECT TITLE: Domestic Security Oversight Council

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Andy Newton and Bill Garner

PROBLEM STATEMENT:

Soon after the events of September 11, 2001, Florida's officials created a domestic security structure designed to operate on a consensus basis that included input from personnel at the operations level by participation in regional domestic security task forces. This bottom-up planning required guidance, so a domestic security oversight board was informally created to assist the task forces and to recommend allocations of federal grants to the Governor and Legislature. The Legislature recently codified this board as the Domestic Security Oversight Council, and provided for its membership and governance.

PURPOSE OF THE PROJECT:

Committee staff will monitor the activities of the Domestic Security Oversight Council (DSOC), and interview participants to determine what effect the recent legislation has had on the operations and functions of the DSOC and to see how it has changed the DSOC's role in the state's domestic security structure, if at all. In addition, staff will monitor activities of the DSOC and report to the committee chair what issues are raised and what decisions are made by the DSOC.

EXPECTED FORMAT FOR OUTCOME:

Staff will complete a whitepaper outlining the findings concerning application of the recent DSOC codification, and will provide updates to the committee chair and to committee members as necessary, on the activities of the DSOC.

PROJECT TIMETABLE:

Completion of information gathering – December 9, 2005, after the Domestic Security annual funding conference

Completion of whitepaper – January 13, 2006

Updates on progress will be presented to the committee chair on July 22 and October 21, 2005, following meetings of the DSOC

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Domestic Security Committee

PROJECT TITLE: Corrupt Driver's License Examiners

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Andy Newton and Bill Garner

PROBLEM STATEMENT:

On May 10, 2005, federal and state officials announced the arrest of 52 persons, and the charging of 23, resulting from investigations into a scheme to unlawfully produce and distribute Florida state driver's licenses. Three of the persons charged were driver's license examiners employed by the Department of Highway Safety and Motor Vehicles. According to media accounts, these examiners were paid approximately \$100-\$200 per illegal transaction. According to the accounts, 36 of the individuals taken into custody had obtained Florida state commercial drivers licenses. A number of the persons receiving false DLs were illegal aliens. Florida law punishes the acts committed by the examiners as a third-degree felony with maximum penalties of 5 years in prison or a fine of up to \$5,000. Although such a penalty would seem to act as a deterrent to corrupt examiners, the statutory offense severity rankings authorize no imposition of a prison term for the criminal sale or distribution of fake or fraudulent driver's licenses.

PURPOSE OF THE PROJECT:

Committee staff will research the potential effects of increasing the offense severity ranking for those crimes committed by driver's license examiners that abuse the public trust and result in illegal aliens obtaining fake or fraudulent DLs and IDs. To that end, staff will examine the current law and interview law enforcement personnel, corrections officials, staff of the Department of Highway Safety and Motor Vehicles, and other necessary entities.

EXPECTED FORMAT FOR OUTCOME:

Staff will complete a whitepaper outlining the research findings and presenting policy options to be considered by the Domestic Security Committee if any are deemed appropriate by staff and the committee chair.

PROJECT TIMETABLE:

Completion of information gathering – July 29, 2005

Completion of whitepaper/report – August 31, 2005

Updates on progress will be presented to the committee chair on a monthly basis

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Domestic Security Committee

PROJECT TITLE: Seaport Security and Access Control/Credentialing

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Andy Newton and Bill Garner

PROBLEM STATEMENT:

The Transportation Security Administration and the United States Coast Guard have been working together to develop a federal rule governing the maritime Transportation Worker's Identification Card program. Toward this end, the National Maritime Security Advisory Committee (NMSAC) formed a credentialing workgroup that has been working toward gathering comments. This national workgroup is addressing issues that have already been raised in Florida, and that have already been "solved" for the purposes of marrying the credentialing system with the requirements of Florida's seaport security laws set forth in s. 311.12, F.S. Florida's security partners have been working with this group to inform them of the Florida model, and to steer regulations toward that model. It is unclear so far to what extent the national regulations may impair the security standards established by the Florida Legislature, and to what extent Florida law may be required to adapt to the ultimate federal model for seaport security access control and credentialing.

PURPOSE OF THE PROJECT:

Committee staff will monitor the progress of NMSAC and the federal rulemaking process and identify the areas of conflict with Florida law that emerge from that process. Staff will also examine the legal issues involved, such as preemption of state law, etc. Staff will examine legal and procedural materials, interview stakeholders, and conduct general and legal research concerning issues raised in the process.

EXPECTED FORMAT FOR OUTCOME:

Staff will complete a whitepaper outlining the research findings and arrange a presentation by interested parties before the Domestic Security Committee at one of the interim committee meetings.

PROJECT TIMETABLE:

The timeline for this rulemaking procedure is unknown; however, staff will update the committee chair on its findings on a monthly basis. Information gathering will be ongoing, and a formal committee report outlining staff's findings will be completed no later than January 13, 2006.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/ Governmental Operations Committee

PROJECT TITLE: Open Government Sunset Reviews (26)

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Heather Williamson and Hilary Brazzell

PROBLEM STATEMENT:

The Division of Statutory Revision will certify for repeal 26 public records and public meetings exemptions pursuant to the Open Government Sunset Review Act. The exemptions range from confidentiality of security system plans to confidentiality of patient information.

PURPOSE OF THE PROJECT:

Staff will examine the exemptions by surveying all affected agencies, interviewing affected parties, collecting position statements from associations interested in the exemptions, reviewing case law, researching the history relating to the creation of the exemptions, and working jointly with the Senate staff. Upon conclusion of the examination process, staff will make presentations to the committee in order to provide members with background information for their use in determining whether the exemptions should be reenacted, expanded, narrowed, or repealed. Proposed committee bills will be drafted based on the findings.

Following are the 26 exemptions requiring review:

1. Section 61.1827, F.S. – Information identifying applicants for and recipients of child support services.
2. Section 119.07(6)(i)2., F.S. – Identification and location information regarding certain local government managers and their family members.
3. Section 119.07(6)(i)5., F.S. – Identification and location information regarding code enforcement officers and their family members.
4. Section 119.07(6)(cc), F.S. – Identifying information and account numbers regarding an individual's health or eligibility for health-related services.
5. Section 119.071, F.S. – Security system plans (records).

6. Section 119.084, F.S. – Copyright of data processing software created by governmental agencies.
7. Section 213.053(1)(b), F.S. – Communications Services Tax Simplification Law.
8. Section 267.135, F.S. – Location of archaeological sites.
9. Section 286.0113, F.S. – Security system plans (meetings).
10. Section 288.075, F.S. – Information concerning plans, intentions, or interests of a business to locate, relocate, or expand any of its activities in this state.
11. Section 316.066(3)(c), F.S. – Motor vehicle crash reports.
12. Section 381.95, F.S. – Medical facility information maintained for terrorism response purposes.
13. Section 395.1056, F.S. – Comprehensive emergency management plans that address the response of a public or private hospital to an act of terrorism.
14. Section 400.119, F.S. – Records and meetings of risk management and quality assurance committees.
15. Section 403.067(7)(d)2., F.S. – Individual agricultural records relating to processes or methods of production, or relating to costs of production, profits, or other financial information.
16. Section 406.135, F.S. – Photographs or audio or video recordings of an autopsy.
17. Section 409.91196, F.S. – Trade secrets, rebate amount, percent of rebate, manufacturer's pricing, and supplemental rebates provided pursuant to a supplemental rebate agreement.
18. Section 414.106, F.S. – Meetings regarding participants in a temporary cash assistance program.
19. Section 414.295, F.S. – Information identifying participants in a temporary cash assistance program.
20. Section 430.105, F.S. – Information relating to an individual's health or eligibility for or receipt of health-related, elder care, or long-term care services.
21. Section 445.007(12), F.S. – Meetings of Workforce Florida, Inc., relating to temporary cash assistance.
22. Section 560.4041, F.S. – Database for deferred presentment providers.

23. Section 569.215, F.S. – Proprietary confidential business information for the purpose of verifying settlement payments made pursuant to the tobacco settlement agreement.
24. Section 626.921(8)(b), F.S. – Information furnished to the Florida Surplus Lines Service Office under the Surplus Lines Law.
- *25. Section 787.03, F.S. – Interference with custody.**
26. Section 1004.445(9), F.S. – Records of the Alzheimer's Center and Research Institute.

***This entire section is certified in order to review the substantive law. The exemption was narrowed and reenacted during the 2005 legislative session, with the intent that the Judiciary Committee would review the substantive law during the interim.**

EXPECTED FORMAT FOR OUTCOME:

Committee staff will prepare a formal report outlining the background information for the members to use in determining whether the exemptions should be reenacted, expanded, narrowed, or repealed. If approved, proposed committee bills will be drafted based on the findings.

PROJECT TIMETABLE:

May 16 – June 30, 2005

Review the exemptions certified for repeal by the Division of Statutory Revision

Review the history relating to the creation of the exemptions

Conduct a study of the case law

Work with Senate staff on the exemption surveys

July 1 – 29, 2005

Draft and finalize surveys in conjunction with Senate staff

August 1 – 15, 2005

Mail surveys

August 16 – September 12, 2005

Gather position statements from interested parties

September 13 – October 14, 2005

Compile and review survey responses

October 17, 2005 – January 6, 2006

Prepare presentations and recommendations

January 2006 Committee Meetings

Staff presentations to committee

Begin drafting proposed committee bills based on recommendations made by the committee

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Governmental Operations Committee

PROJECT TITLE: Personal Information Protection Act

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Becky Everhart, Heather Williamson and Hilary Brazzell

PROBLEM STATEMENT:

Protect and restricting access to social security numbers held by Florida government. The recent problems with personal information being improperly released needs to be reviewed and evaluated for needed changes.

PURPOSE OF THE PROJECT:

Explore and research measures to protect the personal identification information held by Florida government.

EXPECTED FORMAT FOR OUTCOME:

Committee whitepaper and legislation

PROJECT TIMETABLE:

June 15 - July 15, 2005
Review laws in other states

July 15 – August 1, 2005
Summarize information collected from other states

August 1 – 15, 2005
Meet with affected parties

August 15 – September 1, 2005
Summarize data and submit a progress report to the Chair

September 5, 2005
Submit progress report to the Chair

September 15 - October 14, 2005

Collect additional information requested by the Chair

October 17 – 31, 2005

Summarize additional information, if needed; submit to the Chair; and proceed per the Chair's instruction

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Governmental Operations Committee

PROJECT TITLE: Paperwork Reduction/Obsolete Reports and Programs

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Governmental Operations Staff, Statutory Revision and Bill Drafting

PROBLEM STATEMENT:

During the 2005 Legislative Session, the Governmental Operations Committee reviewed the Florida Statutes for obsolete and outdated plans, reports, and programs. The proposal was based on the recommendations from committees of the Florida House as well as OPB. The result was HB 1859, which did not pass.

PURPOSE OF THE PROJECT:

Staff will compile the recommendations from all House committees after their review of the proposed repeal of statutory provisions as originally outlined in HB 1859. Additionally, sections identified for repeal by Statutory Revision will also be reviewed for incorporation in to a committee bill.

A proposed committee bill will propose to repeal sections from the Florida Statutes.

The PCB may also reduce state expenditures by deleting requirements to prepare unnecessary plans and reports.

EXPECTED FORMAT FOR OUTCOME:

Based on additional findings, committee legislation will be proposed.

PROJECT TIMETABLE:

Based on feedback from Statutory Revision, the proposal of a work plan timeline will be developed in early August. Statutory Revision should have the statutory database compiled by then, as well as have an idea of the number of reviser's bills they will have to prepare.

The project should take two months to complete.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Ethics & Elections Committee

PROJECT TITLE: Implementation of the Statewide Voter Database

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Bob West

PROBLEM STATEMENT:

HB 1589, by Representative Brown, sets forth requirements for the new statewide voter registration database that must be operational by January 1, 2006, to comply with the federal Help America Vote Act or "HAVA".

The bill will implement in a uniform and nondiscriminatory manner, an official, centralized statewide voter registration list defined, maintained, and administered statewide that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

The Department of State's Division of Elections is charged with implementation and maintenance of the database.

PURPOSE OF THE PROJECT:

Staff should monitor the Division's progress with regard to implementation of the database as it moves toward the January 1, 2006 deadline.

EXPECTED FORMAT FOR OUTCOME:

Committee staff will prepare a formal report outlining their findings.

PROJECT TIMETABLE:

Final completion date, December 16, 2005.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Ethics & Elections Committee

PROJECT TITLE: Restoration of Voting Rights of Convicted Felons

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Bucky Mitchell

PROBLEM STATEMENT:

Pursuant to Article VI, s. 4, of the State Constitution, persons convicted of a felony, who have not had their civil rights restored are not eligible to vote in Florida. Section 4(a), reads in pertinent part:

“No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.”

The Board of Executive Clemency recently approved amendments to its rules to reduce the backlog of clemency cases and automate the process of applying for clemency for several large classes of convicted felons. The persons must have completed and satisfied all sentences and conditions of supervision, including probation and victim restitution. The Board had previously streamlined the clemency process by reducing the 12-page application to one. Additionally, effective January 2002, persons released from state incarceration or supervision have their names electronically transmitted to the Office of Executive Clemency for restoration of civil rights without a hearing.

PURPOSE OF THE PROJECT:

Conduct a review of recent changes to the clemency process by the Board of Executive Clemency and evaluate data on recent applications for restoration of rights, number of cases where civil rights were restored, including the number restored which required a hearing and those which did not require a hearing. The review will be composed of data from the year 2000 to the present.

Evaluation of data solicited through the survey will come from the Board of Executive Clemency, Office of Executive Clemency, the Department of Corrections, the Department of State and the county supervisors of elections.

EXPECTED FORMAT FOR OUTCOME:

A formal report with executive summary will be produced.

PROJECT TIMETABLE:

Mid-term Progress Report, September 9, 2005

Final Completion date, December 16, 2005

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Ethics & Elections Committee

PROJECT TITLE: Review of Operations of Florida Elections Commission

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Bob West and Bucky Mitchell

PROBLEM STATEMENT:

The Florida Elections Commission (FEC) was statutorily created in 1973 to enforce the state's campaign finance laws. The FEC was originally housed within the Department of State and dependent on the Division of Elections for all support and staffing. Currently, the FEC is a separate and independent entity from the Division of Elections. It is administratively located within the Department of Legal Affairs (Attorney General), and the FEC is not subject to the control, supervision, or direction of the Department or the Attorney General in the performance of its statutory or administrative duties.

The FEC has the jurisdiction to investigate and determine civil violations of chapters 104 and 106, and section 105.071, Florida Statutes. The FEC investigates alleged violations only after having received either a sworn complaint or information reported to it by the Division of Elections.

Several changes were made in 2004 to chapter 106, Florida Statutes, that affect the operation of the FEC and the performance of its quasi-judicial functions (CS/SB 2346; ch. 2004-252, Laws of Fla.). Some of these changes warranted the adoption of amended FEC rules.

PURPOSE OF THE PROJECT:

Committee staff will review the operations and caseload of the FEC in light of the statutory changes made in 2004, including its administrative rules.

EXPECTED FORMAT FOR OUTCOME:

Formal report outlining the findings on FEC operations and case load.

PROJECT TIMETABLE:

December 16, 2005

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Military & Veteran Affairs Committee

PROJECT TITLE: Military Personnel and Veterans Benefits

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Chris Shaffer

PROBLEM STATEMENT:

States around the country are providing various types of benefits to military personnel and veterans. It is vital for Florida to keep pace and, if possible, eclipse other states in providing benefits to military personnel and veterans.

Making Florida even more friendly to military personnel will be beneficial to the state, particularly in light of another possible round of base closings or if the Pentagon looks to moving or relocating missions. Florida will be viewed favorably as a relocation site if the state provides additional benefits to military personnel and veterans. In view of the current military environment, the quality of life of military personnel is paramount.

PURPOSE OF THE PROJECT:

Staff will study other states with high concentrations of military personnel and veterans to assess the benefits they are providing to military personnel and veterans. The programs of other states will be compared to the programs provided in the state of Florida.

The project will consist of research regarding military and veteran populations in various states. It also will include a study of legislation passed or being proposed to benefit military personnel and veterans as well as legislation designed to benefit communities that have been affected by base closures.

EXPECTED FORMAT FOR OUTCOME:

The findings will be presented in a formal report and provided to the committee membership with draft legislation.

PROJECT TIMETABLE:

Progress Report to Chair, August 2, 2005

Final Report, October 4, 2005

Proposed Legislation, November 4, 2005

Project Complete, November 15, 2005

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Administration Council/Military & Veteran Affairs Committee

PROJECT TITLE: Review of the Florida Uniformed Servicemembers Protection Act

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Joe Marino

PROBLEM STATEMENT:

The Florida Uniformed Servicemembers Protection Act, which was enacted in 2003, addressed many of the day-to-day issues that faced Florida's active duty, reserve, and National Guard forces and their families as they endured long and frequent deployments which became common as a result of the ongoing Global War on Terrorism. In essence, the law is Florida's addendum to the federal Uniformed Services Employment and Reemployment Rights Act.

However, the Florida Uniformed Servicemembers Protection Act was a reactionary law to problems revealed after the first wave of deployments and returns. Even with the assistance from the 2003 law, families today of deployed members of the military continue to face struggles which the law did not foresee.

This was evident in the 2005 Regular Session. It was an active session for issues dealing with safeguarding and improving the quality of life for our veterans and their families. Again, the measures which passed the Legislature were mostly reactionary in nature; however, some were broad enough to tackle unforeseen future problems.

PURPOSE OF THE PROJECT:

The purpose of this project will be to measure the effectiveness of the 2003 law and predict the effectiveness of consequent measures enacted in the last few years. In addition, this project will attempt to identify any proactive measures which the next session may need and be able to address.

Information will be collected through inquiries to the Department of Military Affairs, the agency responsible for the Florida National Guard, and surveys sent to reserve commanders and active duty base commanders. The surveys will attempt to find areas that have improved or need improvement as a result of legislative action since 2003.

Three monthly surveys will be administered in order to identify any trend lines regarding improving or deteriorating quality of life areas of concern.

This study is an important analysis of Florida's reputation as a military-friendly state. With the Department of Defense Base Realignment and Closure (BRAC) Commission looking more at quality of life issues now more than in previous rounds of BRAC, it is vital that Florida maintain its leadership in this area.

EXPECTED FORMAT FOR OUTCOME:

The results of this project will be published in a formal report to be distributed to the committee members of the House Military & Veterans Affairs Committee and available online for the public.

PROJECT TIMETABLE:

This project will take approximately five months to complete. Monthly updates on the project will be available on the 15th of each month until the anticipated completion date of October 15, 2005.

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Infrastructure Council/Tourism Committee

PROJECT TITLE:

Florida's Entertainment Industry Infrastructure: Are We Growing the Indigenous Industry as well as Supporting Production?

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Judy C. McDonald

PROBLEM STATEMENT:

The Office of Film and Entertainment (OFE) in the Governor's Office of Tourism, Trade and Economic Development is responsible for promoting and developing the state's entertainment industry. Included in this responsibility, among other things, is the promotion and marketing of the state as a site for production; the promotion of our indigenous entertainment industry and producers; and servicing businesses, communities, organizations, and individuals engaged in entertainment industry activities. These activities are to be guided by the statutorily required 5-year strategic plan developed by the OFE with the advice of the Florida Film and Entertainment Advisory Council.

In 2000, 2001 and 2003, incentives were provided statutorily for the entertainment industry to encourage the state as a site for production. The 2000 and 2001 incentives involved making a reimbursement of sales taxes an upfront exemption for qualified productions. The next was a financial incentive in 2003 to encourage the use of the state as a site for filming, and for providing production services for, motion pictures, made-for-television movies, commercials, music videos, industrial and educational films, and television programs by the entertainment industry. The incentive also provided a mechanism to encourage relocation of entertainment industry businesses to the state; however, no relocation projects have received funding. The financial incentive fund received funding in FY 2004-05 of \$2.45 million and in FY 05-06 of \$10 million. The incentives are available for both indigenous and out-of-state film productions.

Questions have arisen concerning the long-term growth potential of the entertainment industry in the state:

- As we continue to raise our incentive amount for production, how do we compare with what other state's are doing to increase their market share? What, if anything, do we need to consider doing in order to maintain or increase our market share? Is it worth our investment long-term?
- What are our state's entertainment industry infrastructure needs, short-term and long-term? How and when should these be addressed?
- What, if anything, is being done to encourage the relocation of entertainment industry companies to Florida? What should be done? What are other states doing?
- What is being done and what needs to be done to grow our indigenous entertainment industry? What are or should be the long-term goals of the state in this area?

PURPOSE OF THE PROJECT:

Questions have arisen concerning the long-term growth potential of the entertainment industry in the state. The project will attempt to answer the questions posed above in order to assist Members to have a better understanding of the depth and breadth of the entertainment industry sector in the state and the needs of that industry to continue to grow and be competitive in the future. This will entail not only looking at current production incentives that bring productions to the state, but also at how the state can grow the industry base and product in Florida.

Staff will review other state laws to determine what is being done to address these issues in their states. Staff will concentrate on the states viewed as our major competitors. Additionally, staff will meet with OFE, the Florida Film and Entertainment Advisory Council, representatives of the state's Film Schools, and representatives of segments of the entertainment industry sector in Florida. Finally, staff will be reviewing literature and studies related to these issues.

EXPECTED FORMAT FOR OUTCOME:

The final work product will be a formal report. Both legislation and recommendations for funding are possible outgrowths of the report.

ANTICIPATED TIMEFRAMES:

June – September	Project plan completed; research and information solicitation
September	Initiate research analysis
September 9, 2005	Progress report to Chair and to Speaker's Office
October – November	Complete analysis; draft report prepared; information provided to Chair

December – January	Report finalized; legislation and/or other materials required as outgrowths of report drafted for Committee
January 13, 2006	Interim project report completed.

Note: Progress reports on projects will be provided to Committee Chair at different intervals during the process, not just the specific times noted above.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Infrastructure Council/Tourism Committee

PROJECT TITLE:

Sports Economic Development in Florida

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Jennifer Langston

PROBLEM STATEMENT:

Since the disbanding of the Department of Commerce in 1996, the responsibility for amateur and professional sports economic development and analysis has been under the purview of the Florida Sports Foundation (Foundation). The Foundation is a direct support organization under the direction of the Governor's Office of Tourism, Trade, and Economic Development (OTTED). In 1999, increased responsibilities for amateur sports and responsibility for physical fitness were statutorily given to the Foundation. Since that time there has not been an in-depth review of the Foundation by the Tourism Committee.

During the 2005 Legislative Session, the Tourism Committee heard testimony from various sports interests touting the importance of amateur and professional sports to the economic development of the state and of local communities. One of the many concerns discussed was that other states and locales were attempting to take some of our state's market share of amateur and professional sports economic development. The Foundation stated that Florida's long history of sports is important to our economic development. Presenters, including an economist from Florida State University, stated that whether it is Arizona attempting to lure spring training franchises or Las Vegas, Nevada tempting the Florida Marlins to relocate, it is important to investigate competition and what types of incentives are being offered by other states to lure Florida's sports industry.

PURPOSE OF THE PROJECT:

This project will seek to accomplish two key goals:

- to research the Florida Sports Foundation to determine if it is meeting the statutory requirements set out in the reorganization of 1996 and subsequent statutory requirements increasing its responsibilities in the area of amateur sports and physical fitness, and

- to determine what types of incentives encouraging growth of the sports industry are being offered by competing states and how these compare with what Florida offers.

Included in the second goal is a review of current studies and literature to determine what, if any, data exists to show economic rate of return on dollars invested for both the state and local communities.

This project will also examine laws of Florida and other states. The information will provide a means for Members to determine if any changes are needed in law, rule, or procedure.

The methodologies to be used to conduct the fact-finding interim project include a possible survey, interviews, literature review, and Internet research. In addition, meetings will be held with OTTED, Florida Sports Foundation, other state and local governmental offices, and sports industry representatives.

EXPECTED FORMAT FOR OUTCOME:

The final work product will include a formal report. Legislation and recommendations for funding and financial incentives are possible outcomes of the project.

ANTICIPATED TIMEFRAMES:

June	Project proposal completed and research begun
July – September	Information solicitation and review
September 9, 2005	Mid-term progress report to Speaker's Office and Chair
October – November	Analyze information; prepare draft report; update Chair
December – January	Finalize report; draft any legislation or other materials as directed by Chair and/or Committee
January 13, 2006	Report is finalized.

Note: Progress reports on projects will be provided to Committee Chair at different intervals during the process, not just the specific times noted above.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Infrastructure Council/Tourism Committee

PROJECT TITLE:

Florida Commission on Tourism & VISIT FLORIDA: A Review After 10 Years
(1996-2006)

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Judy C. McDonald and Jennifer Langston

PROBLEM STATEMENT:

The problem statement is multifaceted; however, all aspects relate to determining how the Florida Commission on Tourism (commission) and its direct support organization, VISIT FLORIDA are functioning as the state's tourism promotion and marketing arm. It entails a review of compliance with current law as well as a determination of the adequacy of the law after ten years of existence as a public-private partnership. Included in this, is a review of the long-term vision for the state's tourism marketing and promotion efforts that has been identified by these entities so that the Legislature can provide input, if needed, and can monitor the efforts and the need for additional public funding. Finally, it includes a review of the entities efforts to address the impact of the 2004 hurricanes on Florida tourism and a determination, if possible, of the effect of those efforts.

Although there have been three OPPAGA reviews of the ability of the commission and VISIT FLORIDA to comply with outcome measures, there has not been a legislative review to determine overall compliance with requirements of the law nor to determine if, after 10 years of existence, provisions of the law need to be updated. One possible example is the county composition of, and number of, tourism regions specified in law which are required for consideration for 4-year appointments of 17 commission members by the Governor.

Three changes in law governing the commission were made in the 2005 Session to address some identified needs. These changes need to be monitored over the interim to determine if they accomplish the intended outcomes.

Even before the commencement of the Regular 2005 Legislature, the House Tourism Committee held one meeting and one hearing on the impact of the hurricanes on the tourism industry and infrastructure in Florida and proposals for addressing the short-term and long-term needs of the state and impacted local communities. These meetings were the only in-depth discussions on the tourism industry issues and their impacts on state and local revenues that were held prior to the Special Session Call. They set the stage for a discussion of funding. Although no funding was specifically

appropriated to assist in the tourism initiatives proposed to keep tourists and convention business coming to the state, House leadership was instrumental in working with the Governor to secure \$4.75 million in increased revenue to help bolster Florida's tourism marketing campaign.

Those funds along with an additional \$1.4 million made available by freezing select VISIT FLORIDA programs (a decision made by the board of directors) brought the total available funding to \$6.15 million. The funds were to be used to enhance the state's marketing program to reach both leisure travelers and meeting planners, to encourage meetings and conventions, and to provide grant funds for areas hardest hit by the hurricanes. The focus of the marketing efforts was to be geared toward improving perceptions on travel to Florida specifically during June through November 2005.

PURPOSE OF THE PROJECT:

The purpose of the project is to provide Members with information on the commission and VISIT FLORIDA's compliance with current law, on the need for any changes in law to address changes in the state and the tourism industry over the last ten years, on long-term tourism marketing and promotion initiatives that could impact public financial participation, and on the use of funds for hurricane recovery and, if possible, the effectiveness of those funds.

Research by staff will include review of statutes governing the public-private partnership; review of partnership contracts; review of marketing plans, proposals, and budgets; interviews of VISIT FLORIDA staff and members of the board of directors; interviews of OTTED staff; and interviews of persons in select areas of the state who are knowledgeable of and involved in the tourism industry in their local communities.

EXPECTED FORMAT FOR OUTCOME:

A formal report on the commission with a whitepaper on the use of dollars for marketing post-2004 hurricanes, one all inclusive formal report, or two whitepapers

ANTICIPATED TIMEFRAMES:

June – September	Project plan completed; research and information solicitation
September	Initiate research analysis
September 9, 2005	Progress report to Chair and to Speaker's Office
October – November	Complete analysis; draft report prepared; information provided to Chair
December – January	Report finalized; legislation and/or other materials required as outgrowths of report drafted for Committee
January 13, 2006	Interim project report completed

Note: Progress reports on projects will be provided to Committee Chair at different intervals during the process, not just the specific times noted above.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Infrastructure Council/Transportation Committee

PROJECT TITLE: Construction and Demolition Debris

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Joyce Pugh

PROBLEM STATEMENT:

Construction and demolition (C&D) debris is generally defined as waste material that is produced in the process of construction, renovation, or demolition of structures. Concrete and wood are among the most common components of C&D debris. According to a 2000 report by the Florida Department of Environmental Protection (DEP), C&D debris accounted for a third of all solid waste generated in Florida in 1998, and about a third of all recycled materials.

C&D debris however, is not defined in Florida Statutes as a “recovered material,” which for all practical purposes, limits its recyclable use although it has economic potential. Salvaged concrete, for example, can be crushed and used as road-bed fill, which the Florida Department of Transportation (FDOT) is incorporating as a test project for its planned improvements to the Beeline Expressway in Orlando. Salvaged wood can, among other uses, be ground into wood chips or formed into pellets as fuel for co-generation power plants. But developing or expanding markets for salvaged concrete and other C&D debris can be difficult, since C&D debris in many Florida communities is picked up and disposed of according to the terms of exclusive franchise agreements the local governments have with solid-waste haulers.

The other benefits of recycling C&D debris are that it reduces the waste flow into landfills, thus extending their life spans, and, depending on the material, protects natural resources from being used to make a product that is available from recycled materials.

During the 2005 legislative session, the House Transportation Committee considered a bill that would have added C&D debris to the definition of recovered materials. The bill ultimately was unsuccessful, in part because of concerns about impacts on existing solid-waste franchise agreements.

PURPOSE OF THE PROJECT:

The purpose of this interim project is to collect information about C&D debris, existing solid-waste franchise agreements local governments have with haulers, and potential markets for C&D debris. This information will assist Members in their deliberations during the 2006 legislative session, should similar legislation be proposed.

Staff's research methodology includes document research, telephone and personal interviews, a survey, and site visits. Given the project's scope, Transportation Committee staff will consult with staff of the House Environmental Regulation Committee and the Local Government Council as needed for assistance. Specifically, the project methodology will include:

Document research

- DEP's most recent data on the amount and types of C&D debris generated in Florida and disposed of in the 94 C&D landfills and in other types of landfills as applicable;
- DEP's audits and reports on the five C&D recovery facilities and other recovered materials facilities, as applicable;
- FDOT design/engineering reports and studies on the use of salvaged concrete and other materials in its road and bridge projects;
- Copies of franchise agreements between local governments and solid-waste haulers;
- Florida Statutes, Florida Administrative Code, U.S. Code, U.S. Code of Federal Regulations, and statutes and rules of other states, as applicable, related to C&D debris recycling issues; and
- Pertinent case law on recycling and solid-waste franchise issues.

Interviews

- Representatives of the C&D debris industry, recycling industry, and solid-waste haulers;
- Representatives of the transportation, energy and construction industries who might have interest in, or experience with, using recycled C&D debris;
- Local governmental entities; and
- State agency personnel at FDOT, DEP, the Department of Community Affairs, and other pertinent agencies.

Survey

- With assistance from the Legislative Committee for Intergovernmental Relations, staff will develop a list of survey questions for counties and municipalities related to how each handles solid-waste disposal. Questions will include whether the local government contracts for solid-waste disposal or performs it in-house; how recycled materials are picked up and disposed of; the general terms of their franchise agreements or contracts with private haulers, where applicable; and indication of local markets for C&D debris.

- The Florida League of Cities and the Florida Association of Counties may be asked to help distribute the survey.

Site Visits

- A C&D debris recovery facility;
- A C&D debris landfill;
- FDOT's Materials Research Lab in Gainesville, where salvaged concrete for use as roadbed fill is being tested, or to a road project where salvaged concrete is being used.

EXPECTED FORMAT FOR OUTCOME:

The expected outcome of this project will be a formal report providing more information for Members on the topic of C&D debris recycling and potential uses in transportation projects, and on related impacts to local governments and the local economies, so they can better evaluate potential 2006 legislation.

ANTICIPATED TIMEFRAMES:

- July 11, 2005: Surveys mailed or e-mailed to appropriate local-government officials.
- August and September: Site visits.
- August 15, 2005: Progress report to Committee Chair.
- September 9, 2005: Mid-term progress report to Speaker's Office.
- October 17, 2005: Progress report to Committee Chair.
- November 28, 2005: Interim Project Report completed.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Infrastructure Council/Transportation Committee

PROJECT TITLE: Manufactured Housing Regulatory Study Commission

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Jason H. Thompson

PROBLEM STATEMENT:

In 1976, Florida entered into contracts with the federal Department of Housing and Urban Development (HUD) to carry out the enforcement of the national Manufactured Housing Construction and Safety Standards Act. Through a cooperative agreement with HUD, the Florida Department of Highway Safety and Motor Vehicles (DHSMV) serves as HUD's contract agent in Florida to perform mobile home consumer complaint investigations and in-plant inspections of mobile home plants. These functions are carried out by the DHSMV's Bureau of Mobile Home and Recreational Vehicle Construction. In addition to these functions, DHSMV licenses and regulates individuals installing mobile homes through the state's Mobile Home Installer Licensing Program. The installer program is a state program and is not part of the cooperative agreement with HUD.

Each new single-family or duplex mobile or manufactured home manufactured in or outside this state that is sold or offered for sale in this state must be constructed to meet HUD's standards. Such standards cover body and frame construction and the installation of plumbing, electrical systems, and heating, ventilating and air-conditioning systems.

There are many types of manufactured structures in Florida and the regulation of manufactured structures is split among three state agencies:

- The DHSMV regulates mobile homes through the Mobile Home Compliance and Enforcement Program. The program's purpose is to protect the public from unsafe mobile and manufactured homes by inspecting manufacturing facilities and dealer lots for compliance with federal and state building codes, investigating consumer complaints against mobile home manufacturers and dealers, licensing and testing mobile home installers, training set-up crews, and training county officials.
- The Department of Community Affairs (DCA) regulates manufactured structures that are required to be built to meet the Standard Building Code. Other structures are required to be built to the federal code for manufactured housing or built to the nationally accepted recreational vehicle codes.

- The Department of Education (DOE) regulates mobile classrooms that are built to standards for relocatable school facilities and regulated by local school boards and local building codes.

In addition to state regulations, local governments also have planning, zoning and other local regulations that relate to manufactured homes and structures.

During the 2005 legislative session (and in recent years), there have been proposals and discussions regarding consolidating or moving manufactured housing regulatory authority among various state agencies. No actual regulatory changes have resulted, but legislation was enacted during the 2005 legislative session to create the Manufactured Housing Regulatory Study Commission.

PURPOSE OF THE PROJECT:

During the 2005 session, legislation (HB 1697) was enacted to create the Manufactured Housing Regulatory Study Commission (commission). The bill provides that the commission will be administratively supported by the staffs of the Senate and House transportation committees. The commission is to review the following programs regulating manufactured and mobile homes which are currently located at the DHSMV:

- The federal construction and inspection programs;
- The installation program, including the regulation and inspection functions;
- The Mobile Home and Recreational Vehicle Protection Trust Fund;
- The licensing of manufacturers, retailers, and installers of manufactured and mobile homes;
- The titling of manufactured and mobile homes; and
- Dispute resolution.

Methodology: The commission will be composed of 11 members who are to be appointed as follows:

- Four members appointed by the Florida Manufactured Housing Association, one member representing publicly owned manufacturers of manufactured housing, one member representing privately owned manufacturers of manufactured housing, and two members who are retail sellers of manufactured housing, one of whom must also sell residential manufactured buildings approved by the DCA;
- Two members from the Senate appointed by the President of the Senate;
- Two members from the House of Representatives appointed by the Speaker of the House of Representatives;
- The secretary of DCA or the secretary's designee;
- The executive director of the DHSMV or the director's designee; and
- The commissioner of the Department of Agriculture and Consumer Services or the commissioner's designee.

Committee staff is anticipating that background information and regulatory research will be conducted as directed by the commission. The project's research methodology will likely consist primarily of legal and document research, with possible telephone and personal interviews and site visits to the agencies involved.

EXPECTED FORMAT FOR OUTCOME:

The expected outcome of the Manufactured Housing Regulatory Study Commission will be a formal report which provides information regarding manufactured and mobile home regulation programs within DHSMV, options for any proposed changes in regulation, and the impact that proposed regulatory changes may have on sources of program funding, the industry and consumers.

ANTICIPATED TIMEFRAMES:

- August 15, 2005: The initial meeting of the commission is to be held in Tallahassee no later than this date.
- September 9, 2005: Midterm progress report on interim project due to the Speaker's Office (Given that the first meeting of the commission is August 15th, subsequent progress reports will be prepared as needed to provide updates on the commission's activities.)
- January 1, 2006: A final report must be submitted to the Governor, Speaker, and President of the Senate on or before this date.
- February 15, 2006: The commission terminates after submitting the final report but no later than this date.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Infrastructure Council/Spaceport & Technology Committee

PROJECT TITLE: Evaluation of Future Space Activities

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Monique Cheek

PROBLEM STATEMENT:

Florida's space entities have proliferated over the years, with a total of almost 30 organizations with "space" in their title or mission statement.¹ Interviews of industry representatives show a perception that the state's space-related efforts lack coordination and accountability and no single source tracks the performance of the state's space-related entities.² Additionally, there is currently no plan for a state-coordinated response to the rapid changes occurring in the aerospace industry.

PURPOSE OF THE PROJECT:

Staff will conduct a comprehensive analysis of Florida's space-related programs and policies as well as other planning and investment options. This will include, but not limited to, identifying whether overlap exists among the various space-related organizations, reviewing infrastructure investment programs and the need for advanced space computing. There will also be emphasis on whether the space-related entities are achieving their statutory requirements.

Staff will gather independent research and input from the space-related entities and other organizations that coordinate and work with them to conclude what, if any, statutory changes may be necessary.

EXPECTED FORMAT FOR OUTCOME:

A whitepaper will be submitted to the committee.

¹ *The 2003 Aviation/Aerospace Assessment*, Florida Aviation Aerospace Alliance, October 31, 2003.

² *Florida Space Industry*, Florida Senate Interim Project Report 2005-151, November 2004.

ANTICIPATED TIMEFRAMES:

June through August 2005 - Staff to hold meetings, conduct interviews, and gather research regarding Florida's space-related programs and policies as well as other planning and investment options. As part of staff's research, other state's space-related efforts will be reviewed.

Specifically, a review of California, Texas and Alabama will be conducted to determine whether these states have a competitive advantage over Florida.

September 9, 2005 – Midterm progress report due to the Speaker's Office.

September through November – Staff will conclude its research and begin to draft whitepaper.

January 13, 2006 – Whitepaper will be finalized and staff will present its findings to the Spaceport & Technology Committee during an interim committee meeting.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Infrastructure Council/Spaceport & Technology Committee

PROJECT TITLE: Information Technology Management in Florida and Other States

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Lisa Saliba

PROBLEM STATEMENT:

A recent survey reveals Florida has not capitalized on its information technology (IT) infrastructure and investments and is identified as lagging in implementing the second generation of digital government. Second generation of digital government goes beyond the e-government portal and examines the applications behind the portal, the architecture that ties them together, the infrastructure that delivers them, and the business processes that are needed to be re-engineered and automated to make it all work. The focus of government technology is now more citizen centric – what do citizens need and want in their interaction with government?

SB 1494 - Information Technology Management that passed in the 2005 Legislative Session addresses assignment of IT duties and responsibilities as requested by the Governor as well as strengthens IT policies and principles to ensure greater success in IT projects. The bill establishes policies for prioritization of projects, principles for project management, and creates the Florida Technology Council to begin planning for migration to an enterprise management model. It is essential for Florida to master the basics contained in this bill in order to take the next steps in achieving second generation digital government success.

The Legislative Budget Instructions to the agencies contain a section for structuring agencies' IT spending and reporting. The FY 2005-06 instructions initiated phase one implementation of the Service Level Management (SLM) model with phase two scheduled for the FY 2006-07 instructions. SLM drives IT management principles and accountability through the establishment of a chart of accounts and documentation of resources. The data collected complements substantive efforts to establish IT management principles.

Florida's government structure presents challenges in implementing enterprise digital government. Specifically, cabinet agencies and the judicial branch are excluded from the IT requirements contained in Chapter 282, F.S., and SB 1494. The State Technology Office (STO), statutorily authorized in 2001 to establish statewide IT standards to support an IT operations baseline, has developed only a limited number

of policies. Florida lacks a clear vision for harnessing technology to our advantage. Clearly, there are gaps in policies, unresolved issues, and undetermined problems in achieving next generation digital government.

PURPOSE OF THE PROJECT:

Staff will identify gaps in policies, unresolved issues, and other impediments to the state achieving the next generation digital government. Staff will document other state information technology policies, governance models, use of strategic plans, and management processes that ensure accountability. Staff will work with the appropriations staff and Technology Review Workgroup to identify linkages between business practices and budgeting. The SLM data submitted in agency budgets will aid in evaluating Florida's IT infrastructure and potentially reveal opportunities for action by the Legislature. The project goal is to identify opportunities for maximizing state infrastructure and investments and improving services to citizens.

EXPECTED FORMAT FOR OUTCOME:

A whitepaper will be submitted to the Committee for consideration.

ANTICIPATED TIMEFRAMES:

June through September – Staff to hold meetings, conduct interviews, and gather research regarding IT management from state entities and other sources.

September 9, 2005 – Midterm progress report due to the Speaker's Office.

October through December – Conclude research and prepare draft whitepaper.

January 13, 2006 – Report will be finalized and staff will present its findings to the Spaceport & Technology Committee during an interim committee meeting.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Infrastructure Council/Growth Management Committee

PROJECT TITLE: Post Session Review CS/CS/CS/SB 360

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Andrew Grayson

PROBLEM STATEMENT:

CS/CS/CS/SB 360 resulted from the conference negotiations during the final days of the 2005 Legislative Session. The respective House and Senate bills envisioned significant changes to the state's growth management efforts and processes. As a result of the nature of the final negotiations, the bill does not fully give effect to either the House or the Senate approach to the issues raised during session and represents a compromise product. Therefore, it is likely that as provisions of the bill begin to be studied and implemented by House and Senate staff; the Departments of Transportation, Education, and Community Affairs; and other interested parties, numerous suggestions will arise to improve the efforts begun in the present bill.

PURPOSE OF THE PROJECT:

The purpose of this project is to conduct a review of the bill with Senate staff, state agencies and interested parties to determine if additional legislation is necessary and what issues will be addressed in such a bill.

EXPECTED FORMAT FOR OUTCOME:

The project format will be a report and proposed draft legislation as an appendix, with accompanying support materials.

ANTICIPATED TIMEFRAMES:

During the summer and fall months, staff will meet with senate and agency staff and other interested party to identify further and research follow-up growth management issues from the passage of the 2005 legislation. The project will culminate with a report presented to the committee during an interim committee meeting by the end of the year and the committee will workshop any draft legislation that comes from the interim project in the interim committee meetings leading up to the 2006 legislative session.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Infrastructure Council/Growth Management Committee

PROJECT TITLE: Development of Regional Impact Affordable Housing Mitigation

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Andrew Grayson

PROBLEM STATEMENT:

The development of regional impact (DRI) law and rules require a DRI developer to make provisions for affordable housing for the employees of all non-residential portions of their project. This housing must be provided within a radius of 10 miles or a 20 minute drive from the project, whichever is less.

To implement this requirement, both the East Central Florida Regional Planning Council (ECFRPC) in Orlando and the Department of Community Affairs (DCA) have come up with rules with complicated formulas for both the determination of affordable housing demand and supply for very low, low and moderate income employees and their housing. The DCA rule is not used. All applicants have used variations of the ECFRPC rule. Up until two years ago, this rule was easy to work with and DCA accepted numerous allowances which were necessary because strict adherence to the rule in some situations proved impossible. However, DCA has begun applying a very strict and formulaic application of the rule.

Most developments have not had to deal with such strict application of the rule because they were approved under old interpretations of the rule or were giving significant leeway under the rule. However, with DCA strictly applying the rule and requiring developments to update their housing element, questions have arisen as to whether developers should be subject to this requirement and, if so, what methodology should apply. Additionally, concerns have developed regarding the potential for inconsistent application of the law and rules relating to DRI affordable housing mitigation throughout the state.

PURPOSE OF THE PROJECT:

Staff will study and evaluate the following:

- The impact of rules enacted or used by the state land planning agency that requires the provision of affordable housing mitigation as a component of any DRI development order.
- The impact of rules enacted or used by any regional planning agency that requires the provision of affordable housing mitigation as a component of any DRI development order.
- Whether affordable housing mitigation requirements specific to the development of regional impact are appropriate or should be left to local governments as part of comprehensive plans or local ordinances.
- The potential for offsetting the cost to a developer of providing affordable housing mitigation required in any approved DRI development order through taxation credits or some other means.

EXPECTED FORMAT FOR OUTCOME:

The final work product will be a whitepaper.

ANTICIPATED TIMEFRAMES:

June – September	Project plan completed; research and information solicitation
September	Initiate research analysis
September 9, 2005	Progress report to Chair and to Speaker's Office
October – November	Complete analysis; draft whitepaper prepared; information provided to Chair
December – January	Whitepaper finalized; legislation and/or other materials if required as outgrowths of report drafted for Committee
January 13, 2006	Interim project whitepaper completed

Note: Progress reports on projects will be provided to Committee Chair at different intervals during the process, not just the specific times noted above.

Interim Project Deadlines:

- Due date for submission of Council Project Summaries to the Speaker's Office for approval.....May 27, 2005
- Midterm progress report on all interim projects are due to the Speaker's Office on.....Sept. 9, 2005
- Maximum due date for completion of all interim projects.....Jan. 13, 2006

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Resources Council/Agriculture Committee

PROJECT TITLE: Aerial Fire Suppression

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Susan Reese and Debbi Kaiser

PROBLEM STATEMENT:

The risk of wildfire is not a seasonal problem for Florida. It is a year-round threat. Florida is the lightning capital of the world; however, human-caused fires outnumber those started by lightning. Arson and escaped debris burning are the two main causes of Florida wildfires.

Wildfires can cause major environmental, social and economic damages including: loss of timber, wildlife habitat, homes and even lives. Florida's overall terrain and growing areas of urban/wildland interface require a diverse approach to wildfire control. The Department of Agriculture and Consumer Services' Division of Forestry (division) uses much specialized equipment for wildfire prevention and firefighting.

An important part of the division's firefighting effort is its aviation program. Specially equipped helicopters are used in fire suppression and a fleet of fixed wing airplanes is used for detection and fire intelligence during suppression activities.

Over the past 2-3 years, some Agriculture Committee and Agricultural and Environmental Appropriations Committee members have been involved in discussions and presentations regarding the possibility of the state using fixed wing airplanes (aerial tankers) for wildfire suppression. Such use would be through contract with private industry to provide the aerial support. Proponents of aerial tankers focus on the rapid response time and larger payload capabilities.

PURPOSE OF THE PROJECT:

This proposed project focuses on an effectiveness and cost efficiency comparison between the use of helicopters, the use of fixed wing airplane, or a combination of the two types of aircraft. Information from the division, from other states, and from private industry will be reviewed and compared. Included will be statistics on acreage burned, geographic terrain, costs for owning and maintaining a helicopter fleet, and potential contract costs for use of aerial tankers.

EXPECTED FORMAT FOR OUTCOME:

The final report will be in the form of a whitepaper

ANTICIPATED TIMEFRAMES:

Progress reports to Co-Chairs	August 1, November 1
Midterm progress report to Speaker's Office	September 9
Final draft to Speaker's Office for approval	December 1

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Resources Council/Agriculture Committee

PROJECT TITLE:

Implementation of Agricultural Best Management Practices (BMPs)

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Susan Reese and Debbi Kaiser

PROBLEM STATEMENT:

Best Management Practices (BMPs) are practices or a combination of practices that have been adopted by rule by the Department of Agriculture and Consumer Services (department). BMPs are science-based production practices that are economically and technologically feasible to implement. They are designed to minimize the offsite movement of agricultural pollutants to ground or surface water; and may include irrigation system conversions or management improvements that increase system efficiency and conserve water resources. Improving nonpoint source runoff is a major water quality challenge that will affect every Floridian in some way.

Though BMPs have been developed and adopted for a number of Florida's agricultural commodities, some Floridians, including legislative members and members of the general public, have questioned their effectiveness in reducing pollutants and protecting the state's water resources.

PURPOSE OF THE PROJECT:

The study entails a review of the BMPs developed and adopted by department rule; their acceptance and use by the agricultural industry; the expenditures/investments made by the state and federal governments, as well as by the participating farmers, in developing and implementing BMPs; and the overall effectiveness of the BMP programs.

EXPECTED FORMAT FOR OUTCOME:

The final report will be in the form of a formal report.

ANTICIPATED TIMEFRAMES:

Progress reports to Co-Chairs	August 1, November 1
Midterm progress report to Speaker's Office	September 9
Final draft to Speaker's Office for approval	December 1

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Resources Council/Agriculture Committee

PROJECT TITLE: Division of Forestry's Burn Authorization Process

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Susan Reese and Debbi Kaiser

PROBLEM STATEMENT:

Following Florida's horrific 1998 wildfire season, the Legislature, in conjunction with the Florida Department of Agriculture and Consumer Services' Division of Forestry (division), rewrote chapter 590, F.S., relating to forest protection. Section 590.125, F.S., was created as a central location for previously existing laws relating to open burning authorized by the division.

The laws and rules have now been in effect for a number of years and concerns have been expressed regarding difficulties encountered by landowners seeking burn authorizations from some of the division's 15 regional field offices.

A burn authorization from the division is required for any open burning except for yard trash or household paper products. Those items may be burned without authorization only if:

- No local or county ordinance prohibits said burning.
- Fire is started after 9 am and extinguished one hour before sunset.
- The following required set-backs are met:
 1. 25 feet from forested areas,
 2. 100 feet from public roads (50 feet in rural areas),
 3. 50 feet from the owner's house,
 4. 300 feet from other occupied buildings (100 feet in rural areas)
- Fire is enclosed in barrel or pit with wire mesh cover.
- Fire is attended at all times.

PURPOSE OF THE PROJECT:

This study will review the criteria used by the division for determining whether or not an authorization is issued. Comparisons will be made between the number of requests received by the division and the actual number of authorizations granted. A review will be conducted of each field office's authorization records. Site visits to certain field offices may be desirable for a full understanding of the burn

authorization program. Comparisons with similar programs in other states may also be employed. The goal is to make the process better and more “user friendly”.

EXPECTED FORMAT FOR OUTCOME:

The final report will be in the form of a formal report and potential rewrite of parts of Chapter 590, F.S.

ANTICIPATED TIMEFRAMES:

Progress reports to Co-Chairs	August 1, November 1
Midterm progress report to Speaker’s Office	September 9
Final draft to Speaker’s Office for approval	December 1

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Resources Council/Water & Natural Resources Committee

PROJECT TITLE: Chapter 370/372, F.S., Rewrite

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Ken Winker

PROBLEM STATEMENT:

Chapters 370 and 372, F.S., are administered by the Fish and Wildlife Conservation Commission (FWCC) and include the statutory provisions applicable to the management and regulation of marine life, wildlife, and freshwater aquatic life. Many provisions have not been revised since the FWCC was created in 1999 to consolidate functions performed by the Marine Fisheries Commission and the Game and Freshwater Fish Commission. Therefore, the provisions in these chapters are often inconsistent and/or ambiguous.

Phase I of the project was initiated as a 2002 Interim Project and continued as a 2003 Interim Project. Phase I consisted of a section-by-section legal analysis of both chapters, conducted in consultation with the FWCC and staff of the Senate Natural Resources Committee, to consider the appropriateness and effect of each provision, to evaluate consistency with the Constitution, and to consider repealing outdated, unnecessary, or duplicative provisions.

In response to the report provided by staff at the conclusion of Phase I, several outdated, unnecessary, or duplicative provisions were repealed when the Legislature passed CS/SB 2820 during the 2004 Session.

Phase II of the project was initiated during the 2004 interim period. The purpose of Phase II was to consolidate ch. 370 and ch. 372, F.S., into one chapter that consistently and clearly addresses issues related to wild animal life, freshwater aquatic life, and marine life. A draft of the newly consolidated ch. 377, F.S., was presented to the FWCC in January 2005 for review and comment.

PURPOSE OF THE PROJECT:

The purpose of the proposal is to complete Phase II of the project and to work with the FWCC and interested parties to prepare proposed legislation that can be presented to the Legislature for consideration during the 2006 Session.

EXPECTED FORMAT FOR OUTCOME:

The results of the project will be in the form of a written report which will be accompanied by suggested legislation.

ANTICIPATED TIMEFRAMES:

Progress reports to Chair	August 1, November 1
Midterm progress report to Speaker's Office	September 9
Final draft to Speaker's Office for approval	January 13

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Resources Council/Environmental Regulation Committee

PROJECT TITLE:

Moored Vessels in the Path of a Storm

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Michael Kliner and Ralph Perkins

PROBLEM STATEMENT:

A persistent problem arises when a major storm passes over marinas: the distinct possibility of damage to the docks to which the vessels are tied, and damage to the vessels themselves. Marina owners have previously sought changes in Florida law to grant them authority to remove vessels before the onslaught of a storm. Vessel owners have fought that authorization, citing the value of human life over property, and the lack of safe havens to place the vessels.

According to representatives of marina owners, there are numerous protections in statute for the benefit of vessel owners but little protection for marina owners. Under current Florida law, marina owners may not require the removal of a vessel from the marina following the issuance of a hurricane watch or warning since according to the statute, the protection of lives and the safety of the owners of vessels is placed before the interests of protecting property. The marina owner may, however, legally dictate the kind of cleats, ropes, fenders, and other measures that must be used on vessels as a condition of using the marina.

PURPOSE OF THE PROJECT:

Staff will research other states with commensurate recreational water/marina activities to determine how those states' regulatory agencies deal with this situation. Staff will also interview interested parties (marina owners and vessel owners or representative associations, and regulating agencies) to determine if there is common ground among the parties to balance the aforementioned property and life concerns.

EXPECTED FORMAT FOR OUTCOME:

The final report will be in the form of a formal report.

ANTICIPATED TIMEFRAMES:

Progress report to Chair	August 8
Midterm progress report to Speaker's Office	September 9
Final draft to Speaker's Office for approval	October 31

Florida House of Representatives
Proposed 2005-2006 Interim Project

Council/Committee: State Resources Council/Environmental Regulation Committee

PROJECT TITLE: Public Access to Florida Beaches

STAFF WITH PRIMARY RESPONSIBILITY FOR COMPLETION:

Michael Kliner, Ralph Perkins.

PROBLEM STATEMENT:

Public beach access is especially important in Florida, which boasts of approximately 1,200 miles of general coastline, and more than 2,200 miles of tidal shoreline. Approximately eighty-percent of Florida's population lives near the coast, and more than forty-one million people visit Florida annually.

Florida struggles with balancing the tension between the rights of private beachfront landowners to exclude persons from their property and the rights of the public to utilize the dry sand areas of Florida beaches. With their unique ecological, recreational and economic value, many believe beaches to be a public resource that should be held in the public trust, while others hold strongly to their right to preserve the use of their property to the exclusion of others.

Beach access is presently addressed in several sections of Chapter 161, F.S. Subsection 161.021(1), F.S., provides that "access" or "public access" as used in ss. 161.041, 161.052, and 161.053 means the public's right to laterally traverse the sandy beaches of this state where such access exists on or after July 1, 1987.

Subsection 161.041(1), F.S., requires permits for any person, firm, corporation or local government desiring to undertake various types of coastal construction or reconstruction activities. Under this subsection, such development may not interfere with the public's use of any beach area seaward of the mean high-water line, unless such interference is unavoidable for purposes of protecting the beach or any endangered upland structure.

Sections 161.052-.053, F.S., address the regulation of coastal construction and excavation, and Section 161.55, F.S., provides requirements for activities or construction within the coastal building zone. Subsection 161.55(5) specifically addresses public access. Under that subsection, where the public has established an accessway through private lands to lands seaward of the mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or

construction shall not interfere with such right of public access unless a comparable alternative accessway is provided.

PURPOSE OF THE PROJECT:

Staff will research Florida law and legal opinions to determine the current status of public access to Florida beaches. Staff will research other states to determine actions, if any, that were undertaken to address access issues. Staff also will consult with state and federal agencies and local and regional interests groups to identify tensions between public access and private interests and to develop policy options to address relevant issues raised during the course of the project.

EXPECTED FORMAT FOR OUTCOME:

Formal report.

ANTICIPATED TIMEFRAMES:

Progress reports to Chair	September 9, November 9, and December 7
Midterm progress report to Speaker's Office	September 9
Final draft to Speaker's Office for approval	January 13